

Imprisonment in Thailand: The Impact of the 2003 War on Drugs Policy

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Abstract

The major objective of this study was to analyse the impact of the 2003 war on drugs policy on imprisonment and the prison social world in Thailand. While most studies on the drugs war have focused mainly on the quantitative increase in the prison population in the penal systems as the policy's main impact, this research further examined the social shifts in Thai prisons driven by the drugs war. The data were qualitatively collected and analysed through documentary analysis, observations and in-depth interviews with forty-six participants: the former Director Generals of The Corrections Department, prison inmates, prison officers, and prison directors from Bangkwang Central Prison, Klongprem Central Prison, The Central Correctional Institution for Drug-addicts and The Women's Correctional Institution for Drug-addicts.

Although the Thai government declared a victory in the drugs war by claiming that the drug business had almost been eradicated due to the decrease in the size of the prison population and in the number of drug case arrests, in reality some changes caused by the drugs war within the prison world have been overlooked. The findings of this thesis reveal that the war on drugs produced significant effects upon various spheres of imprisonment. By dividing the framework into several levels for analysis focusing on prison inmates, prison officers and the social relationships behind bars, the lives and experiences of prisoners and prison officers are shown to have been effected in a negative and tougher way. Besides, there have been changes in social relations among prisoners and between inmates and prison officers. Crucially, the key factor leading to the policy impact was the replacement by the more powerful drug dealers in Thai prisons for drug users, due to the Narcotic Addict Rehabilitation Act B.E. 2545 (2002), which was a significant feature of the 2003 drugs war.

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List of Abbreviations

BCP	Bangkwang Central Prison
BCRD	Bureau of Correctional Research and Development
CCID	The Central Correctional Institution for Drug-addicts
CPS	Centre of Prisoner Statistics
CWCI	Central Women's Correctional Institution
DOC	Department of Corrections
DG	Director General
FY	Fiscal Year
H.M.	His/Her Majesty
HQ	Headquarters
KCP	Klongprem Central Prison
KPIs	Key Performance Indicators
MOJ	Ministry of Justice
NARA	Narcotic Addict Rehabilitation Act, B.E. 2545 (2002)
NCP	Nakornprathom Central Province
NSB	Narcotics Suppression Bureau, Royal Thai Police
NWCI	Nakornratchasima Women's Correctional Institution
OCSC	Office of Civil Service Commission
OEA	Office of Educational Affairs
ONCB	Office of the Narcotics Control Board
PM	Prime Minister
RBM	Result Based Management
TB	Tuberculosis
TRP	Thonburi Remand Prison
TWCI	Thonburi Women's Correctional Institution
UNAFEI	United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders
UNODC	United Nations Office on Drugs and Crime
U.K.	United Kingdom
U.S.	United States
WCID	Women's Correctional Institution for Drug-addicts
WOD	War on Drugs

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Chapter 1 Introduction

Illicit drugs can basically be regarded as one of the main social problems in Thailand that has not yet been completely overcome. Drugs policy in Thailand can be traced back several centuries since the country has a long history of involvement with drugs. The most significant policy in the 2000s was the 'war on drugs policy' declared in February 2003 by Prime Minister Thaksin Shinawatra. The war on drugs received widespread condemnation because of the emphasis on harsh law enforcement, including reports of extensive extra-judicial killings. However, the war on drugs policy also included a component on drug treatment, and compulsory treatment in particular for drug users (Pearshouse, 2009). The principle purpose of this thesis was to open up the area of enquiry concerning the impact of the 2003 war on drugs policy on the social relations inside Thai prisons. In addition, the further motive in this research was to establish a greater degree of knowledge of the various spheres of prison life in Thailand. As such, throughout the discussions in each chapter, the findings present some important aspects of imprisonment apart from analysing the 2003 drugs war impact.

In international arena, according to Hawdon and Kleiman (2011) it is argued that before the formation of the League of Nations after World War I, drugs were already the subject of international control when an international convention was held in Shanghai in 1909. The conference attended by 13 nations set the foundation of much of the future of international drug policies and international drug agreements, including the First International Opium Convention in 1912 which was signed by 41 nations before the outbreak of World War. Although the League of Nations was dissolved, the United Nations has continued carrying on the world's drug control policies and was able to draw up a series of drug-control conventions. It is obvious that in the international level, the drug control policies have been agreed and followed by many nations.

In the United States, which is a nation that has experienced six drugs wars over the past 130 years (Jensen, 2008) and has many studies focusing on the topic, several leaders are renowned and strongly linked to the war on drugs according to their drugs policies. For examples, President Nixon declared the war on drugs in 1971 to step up domestic and overseas operations by targeting and identifying illegal drug use as America's public enemy number one (Csete, Parker and Worthington, 2010). During President Reagan's administration, Bagley (1988: 210 - 211) described that:

Reagan's use of national television to dramatize his anti-drug proclamation and his administration's subsequent mobilization of substantial levels of federal resources to fight the war on drugs meant that he assigned a higher priority to the anti-drug crusade than his predecessors.

Although the war on drugs has been the focus of numerous studies especially in the U.S., it is worth noting that most scholars studying the drugs war have tended to focus on these topics: the impact of the drugs war on the penal system in terms of overcrowding of the prison population; the phenomena of mass imprisonment (Inciardi, 1993; Hagan and Coleman, 2001; Jensen, 2008); and the effects of the increasing number of incarcerations of the minorities, which have disproportionately harmed poorer, non-White offenders (Alexander, 2010; Mauer, 2006; Provine, 2007, 2011; Reinerman and Levine, 1997; Tonry, 1996, 2011; Tonry and Melewski, 2008 cited in Lynch, 2012: 175). From the existing literature, it seems that the consequences of the war on drugs with regard to the prison world and its social structure have not been emphasised. As such, my research is an attempt to fill the gap by analysing the impact of the policy on imprisonment and the social entity in Thai prisons.

To outline the general background of the drugs situation in Thailand, apart from the fact that there was a legal, yet controlled, opium business until the 1950s, some drugs were trafficked through Thailand as an export route from Burma and the 'Golden Triangle': the infamous world production centre for heroin and opium cultivation that is situated near four countries

which are Burma, Lao PDR, Vietnam and Thailand (Gao, 2013). In addition, some opium had been cultivated in the north of Thailand in the past. However, this ceased with the government's active programme of crop replacement. The United Nations Office on Drugs and Crime (2006a: 123) briefly described the attempts to reduce opium cultivation in Thailand, stating that:

In 1969, Thai efforts were pioneered by His Majesty the King Bhumibol Adulyadej who introduced a crop replacement project after the establishment of his new Phuping Palace in Chiang Mai adjacent to a[n] opium poppy-growing village on the mountain Doi Pui. He promoted a long-term and cooperative approach to opium control that encouraged finding income generation alternatives rather than law enforcement.

Later, in 1971, the United Nations Fund for Drug Abuse Control in cooperation with the Thai government started to run many projects in northern Thailand that adopted a crop replacement approach. The projects devised agricultural techniques that could be introduced to find alternatives to opium production and eventually reduce opium poppy cultivation (UNODC, 2006a).

Since the 1990s, methamphetamine has become more frequently used among all groups of drug users in Thai society. This has led to an increase in broken families, street violence, organised crime and official corruption. The impact among youths and students is the most severe (Phongpaichit, 2003). During the 1990s, a large number of drug users were incarcerated merely because of drug consumption. The number of drug-related incarcerations increased five times between 1992 and 1999 (Beyrer et al., 2003). Table 1.1 shows the high number of drug cases and offenders arrested between 2000 and 2002, and the large amount of seized methamphetamines¹. In order to solve these problems, several crucial drug policies have been introduced in Thailand since the 2000s.

¹ Methamphetamine is widely known in Thai as '*Ya Ba*' or '*crazy pill*' in English meaning.

Table 1.1 The number of drug cases and offenders (including all types of drugs) and the weight of seized methamphetamine, 2000 - 2004

Year	Number of Drug Cases (all types of drugs)	Number of Persons Arrested for Drug Offences (all types of drugs)	Weight of Seized Methamphetamine (kilogramme)
2000	222,614	238,380	7,569.29
2001	207,447	220,525	8,448.89
2002	213,175	224,779	8,631.76
2003	102,333	108,309	6,438.32
2004	55,472	60,772	2,805.29

Source: Office of the Narcotics Control Board (2011)

The first attempt came when PM Thaksin Shinawatra declared his clear public policy on drugs to the cabinet in 2001, stating that the government must pursue an immediate drugs policy by giving number one priority to the prevention rather than the suppression of drugs. Drug users were to be rehabilitated and drug dealers punished severely. Secondly, in 2002, the Narcotic Addict Rehabilitation Act B.E. 2545 was enacted with a fundamentally different perspective on drug abusers. Under this law, which came into effect nationwide in 2003, a distinction was made between drug users and drug producers, sellers and exporters: the users became classified as ‘patients’ and were therefore sent to rehabilitation centres for drug treatment programmes, depending on the nature of their case. If the treatment showed satisfactory results, they were then diverted from criminal procedures without a criminal record (Julakan, Boriboonthana and Sangkhanate, 2013).

Thirdly, PM Thaksin Shinawatra signed the Prime Minister’s Order 29/2546 on January 28th 2003 which laid down guidelines for the ‘*Concerted Effort of the Nation to Overcome Drugs*’. This became widely known as the ‘*war on drugs*’ and it began on 1st February 2003. To put it simply, the campaign against drugs comprised three main components: preventing people from getting involved with narcotics; offering rehabilitation and treatment for addicts; and, suppressing producers and traffickers of drugs, precursor chemicals, as well as those involved

in drug trades. Between February and August 2003, over 51,000 people were arrested and 2,000 extrajudicial executions occurred² (Phongpaichit, 2003; Human Rights Watch, 2004; Lhaptananon, 2007).

Interestingly, due to the extrajudicial killings during the drugs war, at least two prison inmates in my research had been directly influenced by this policy as they had suffered the loss of family members. According to Lhaptananon (2007) in the initial phase of the war on drugs policy, there was a solid, fierce message from the government of PM Thaksin, giving the green light to the police authorities to completely suppress drug dealing (Human Rights Watch, 2004). There was a mutual understanding among the police and government officers, that extrajudicial killings could be undertaken in cases in which drug dealers resisted arrest. Two such cases experienced by inmates are described below:

'My family was all involved with drug dealing. My mother was the first person arrested and sentenced to the CCWI. Then, I was the second one. In fact, I didn't sell drugs, but my boyfriend did. Anyway, we were arrested by the police together. At the end of 2003, I got the tragic news from my aunt that my father had been brutally killed by being burnt to death. During the drugs war, many people were murdered. Nobody knew the reason or who had killed him but we suspected that it was about drug dealing and the policy. I was completely shocked and sad. I love my father. He was just sixty-six years old...' (Inmate: S)

Inmate G also lost an important person in his life:

'Before ending up in here, I had worked for my big boss for a long time. Actually, I knew that he was a drug dealer but I didn't have a choice. I needed money for my family. So, I was the car driver and did drug trafficking for him. When I was arrested, I didn't mention him. So, he promised me that he would take care of my family. In the earlier period when I was inside prison, my boss still kept making a deposit into my account and also financially supporting my wife and son on the outside. However, several months later after the war on drugs, I heard that he had been shot dead. After that, my wife and son were in trouble because no one gave me the money...'

It might not be important whether they were murdered by police officers or by drug gang members; in either case it is still an undeniable truth that the death of an inmate's family can

² On December 19th 2003, Police General San Sarutanon, the Commissioner-General of Royal Thai Police told reporters that during the war on drugs, there had been 2,656 murder cases which had caused the deaths of 2,921 people (Matichon, 2003 cited in Lhaptananon, 2007: 30).

lead to fatal consequences in the inmate's life. Conversely, there was also a positive side for one prisoner; he had made more profit from selling drugs during the time of the war on drugs policy.

'To some extent, it was beneficial for me in terms of the rising price of methamphetamines. I mean I remember that I could buy many packs of "yaba" (methamphetamines) for the same price. However, after the government declared the drugs war, "yaba" became much more difficult to buy. The price in the market rose two or three fold. To illustrate, I spent about 75,000 baht (£1,500) on buying a large pack of yaba, but I could earn 150,000 baht (£30,000) from selling it. (Inmate: K)

It was found that during the war on drugs the price of drugs dramatically increased. For example, one methamphetamine pill would be sold for 300 baht (£6) whereas in the past, the price had been only about 100 – 120 baht (£2-2.4) (Lhapthananon, 2007).

The above discussion shows how Thailand's efforts in combating drugs which have been a national threat for a long time. Because of all the policy attributes discussed previously, the 2003 drugs war has become one of the most important drug policies in Thai history. Some laws and regulations enacted during the war on drugs are still in action today. These are the major reasons why the 2003 war on drugs is an important policy to study further.

It is worth noting that although the U.S is the country that clearly emphasised the importance of the drugs war in dealing with drugs and there has been much cooperation between Thailand and the U.S. with regard to drugs control through the establishment of the foreign office of Drug Enforcement Administration (DEA) in Thailand, there was no direct link between the 2003 drugs policy and the outside influence of the U.S. in declaring the campaign. Nevertheless, it is believed that PM Thaksin Shinawatra borrowed the term 'war on drugs'

from the U.S.³ to attract the public's attention and clearly promote the tough campaign (Interview with the former DG Nathee Chitsawang, April 11th 2011).

In this study I aim to investigate the critical link between the war on drugs policy and the penal system in Thailand, and in particular how the implementation of the policy has effected imprisonment and the Thai prison world. Background information on imprisonment and the Thai penal system will be provided in the next section.

Looking at the ideological justifications of imprisonment, they usually focus on two basic themes. On the one hand, imprisonment should play a role in reducing the incidence of crime, and this is usually divided into three concepts: incapacitation of the criminal or protection of the public, deterrence, and rehabilitation or reform. On the other hand imprisonment has a retributive duty or a punishment to give, which is deserved by the offenders (Flynn, 1998). In Thailand, from the past to the present, the justifications for imprisonment have applied these concepts but have varied in each era.

To give a brief review, according to various historical materials (DOC, 1982; Na Ayutthaya, 1993; Na Nakorn, 1998; National Identity Board, 2000) in Thailand, brutal physical punishment was mostly used in the period before 1868, while imprisonment started to be used as a method of punishment in the Ayutthaya Kingdom era (1350 – 1767). It is believed that the main purposes of punishment at that time were: to be an act of retribution; to deter people from committing more crimes; and to incapacitate offenders either temporarily by sentencing them to a term in prison or jail, or permanently by execution or capital punishment. These ideologies still existed in the following eras, in the first phase of the



³ Thaksin Shinawatra is the first Prime Minister in Thailand to graduate with Master and Doctoral Degrees in Criminology and Criminal justice from universities in the U.S.

Ratthanakosin Kingdom especially in the reign of King Rama I, through to the period of King Rama IV.

After that, in the second phase of the Rattanakosin Kingdom, in the era of King Rama V, rehabilitation started to become one of the purposes of imprisonment. Similar goals of punishment, deterrence, incapacitation and rehabilitation have existed up until the present day. The landmark events with regard to punishment and prisons are summarised in the timeline (Figure 1.1), which shows the purposes of punishment and imprisonment in each epoch of history.

Figure 1.1 Prison and punishment timeline in Thailand

Era/Year	Major event of punishment and prison	Purpose
Sukhothai Kingdom (1238 – 1438)	<ul style="list-style-type: none"> - Fine for property crimes - No clear evidence of brutal punishment, although it was used in the neighbouring Lanna Kingdom. 	<ul style="list-style-type: none"> - punitive
Ayutthaya Kingdom (1350 – 1767)	<ul style="list-style-type: none"> - Death penalty and various types of brutal physical punishment - Public humiliation - Prison emerged 	<ul style="list-style-type: none"> - punitive - revenge - deterrence - incapacitation
Rattanakosin Kingdom - King Rama I (1782- 1809)	<ul style="list-style-type: none"> - Death penalty and various types of brutal physical punishment - Imprisonment - Prison labour - Torture as punishment in prison - Imprisonment and releasing fees 	<ul style="list-style-type: none"> - punitive - revenge - deterrence - incapacitation

- King Rama V (1868 – 1910)	<ul style="list-style-type: none"> - Imprisonment - Prison labour - Education provided - Establishment of 'Department of Prisoners' - Prisons were systemised. 		
- King Rama VI (1910 – 1925)	<ul style="list-style-type: none"> - Imprisonment - Prison labour - Establishment of Department of Penitentiary and the first DG was appointed. - Staff positions on vocational training listed 		
- King Rama VII (1925 – 1935)	<ul style="list-style-type: none"> - Declaration of the government to the Parliament regarding the rehabilitation of inmates: religious and vocational training. 	<ul style="list-style-type: none"> - punitive - deterrence - incapacitation - rehabilitation 	
- King Rama VIII (1935 – 1946)	<ul style="list-style-type: none"> - Penitentiary Act (1936) and some Ministerial Regulations were enacted. 		
- King Rama IX (1946 – present)	<ul style="list-style-type: none"> - Name in English was changed to 'Department of Corrections' - First rehabilitation subdivisions were set up in Bangkok and Klongprem Central Prisons - H.M. the King's speech to DG regarding the rehabilitation role of prison staff 		

Source: Netrabukkana (2012) Journal of Planning Division, DOC.

Generally, there are at least four purposes of imprisonment: punishment, deterrence, reform and protection of the public (Coyle, 2005b; Robinson and Crow, 2009; Taxman and Rudes, 2011). Sometimes these have different titles. For examples, protection of the public can also refer to incapacitation and reform can be regarded as rehabilitation, although some scholars may recognise several slight differences, such as Hudson (2003) who preferred the use of term 'reform' to describe the developments of regimes designed to effect change in an individual through educative and contemplative techniques in the nineteenth century; and the term 'rehabilitation' to signify the more individualistic treatment programmes established during the twentieth century. In broader terms they all can be justified as retributivism and reductivism:

Retributivism looks backwards in time to the offence. It is the fact that the offender has committed a wrongful act which deserves punishment, not the future consequences of the punishment firmly held by reductivism. Consequently, retributivism is related to the

punitive practice or the punishment as the purpose of imprisonment (Cavadino and Dignan, 2002:40).

On the contrary, reductivism is a forward-looking theory: it seeks to justify punishment by its alleged future consequences. If punishment is inflicted, it is claimed, 'the incidence of crime will be less than it would be if no penalty were imposed' (Cavadino and Dignan, 2002: 34); because of this, deterrence, rehabilitation and incapacitation can be included in this justification.

Interestingly, the Thai penal system seems to involve all of the above-mentioned justifications. Firstly, imprisonment can serve as a punishment aiming to punish persons for the crimes they have committed. Scott (2008) claimed that the overarching aim of prison was to fulfil its punishment role: the deliberate infliction of suffering and hardships upon those contained within its walls. In Thailand, a person convicted of a crime is entitled to receive the punishment. Section 18 of Criminal Code B.E. 2499 (1956) indicates that:

Section 18: Punishments to be inflicted upon the offenders are as follows:

- 1) Death;
- 2) Imprisonment;
- 3) Confinement;
- 4) Fine;
- 5) Forfeiture of property

Capital punishment and life imprisonment shall be not enforced for an offender less than eighteen years of age.

In the case where an offender less than eighteen years of age has committed an offence to be punished with death or imprisonment for life, the punishment, as aforesaid, shall be deemed as commuted to imprisonment for fifty years.

Therefore, imprisonment is actually punishment for the offence that a person has committed. Although in the recent decades penal institutions have been reformed, in terms of the physical environment and the disappearance of the brutal punishment that caused real hardship

behind bars, it is undeniable that the deprivation of freedom or liberty itself can be considered as a punishment. To put it simply, being required to stay behind the prison walls for the period specified by the court, and being 'not permitted to go out from the prison other than in approved circumstances, was in itself a heavy punishment' (Coyle, 2005b:13).

Secondly, prison can be a place to protect the public from those who commit crimes. One Thai prison is responsible for permanent incapacitation, by imposing the death penalty by lethal injection. Presently this execution takes place only at Bangkwang Central Prison, after a final decision by the Supreme Court and the denial of petition for the Royal Pardon by H.M. the King. Thai prisons have therefore played a role in preventing offenders from doing harm to society. In terms of temporary incapacitation, people in Thai society expect prisons to keep inmates in custody, and so prevent them from creating further crimes outside the prison walls.

The deterrence concept can be also linked to Thai prisons. In recent years, many academic institutions have established a project called '*Students visit Prison*' to bring their students, including high school children, to visit prisons (DOC, 2013a; DOC, 2013b). On some occasions, prison staff are invited to visit the schools, as part of a campaign called '*Corrections visit Schools*'. They tell the students about their experiences inside the prison walls⁴. These projects intend to let all students see the prison world and, most importantly, to firmly warn them about the significant consequences of becoming involved in perpetrating crimes. Although the similar deterrence programmes in other countries, such as the Scared Straight Programmes in the U.S., have been criticised for ineffectiveness and failure to deter juvenile crimes (Schembri, 2006), the programmes run by the DOC have not been yet evaluated or

⁴As of September 30th 2012, 28,603 students from 245 academic institutions nationwide have visited prisons, while prison officers have visited about 110 schools (DOC, 2013b: 54).

studied on their effects on youth. Usually, the programmes are set on requests of schools and academic institutions.

Finally, it is argued that a prison can positively change, reform or rehabilitate those it contains. In criminal justice, rehabilitation is a process, intervention or programme to enable individuals to overcome previous difficulties linked to their offences so that they can become law-abiding and useful members of the wider community (Burnett, 2008). In fact, this purpose of prison tends to be different from the others, as it reflects the positive aspect of the punishment in terms of the provision of help or beneficial programmes for the offenders. In Thailand, prison is currently a place to rehabilitate offenders because many types of treatment programmes are provided, ranging from education and vocational training, to religious and recreation activities and treatment programmes for specific groups of inmates, such as sex offenders and drug-addicted prisoners.

Among these concepts, it is generally believed the aims of imprisonment vary depending on the 'prevailing penal philosophy of the time, and there has been much debate about the way in which prison operates' (Robinson and Crow, 2009:35). For example, in the early nineteenth century English prison system:

The chief official aims of imprisonment were the imposition of deterrent and retributive justice on offenders, while not ruling out the possibility of reform and return to society. Then, by the turn of the century, the twin imperatives of deterrence and reformation had been adopted as official policy and the subsequent ascendancy of the treatment model was soon enshrined in the prison rules themselves (Cavadino and Dignan, 2002: 178).

Currently, there are 143 correctional establishments (DOC, 2013b) in Thailand, which are divided into seven types of prisons in accordance with the ministerial regulation of the Ministry of Justice B.E. 2545 (2002) dated October 9th, 2002.

Table 1.2 The number of correctional facilities in Thailand, classified by prison type.

Type of Prison		Total number
1.	Central Prison	33
2.	Remand Prison	4
3.	Correctional Institution	24
4.	House of Detention	5
5.	House of Relegation	1
6.	Provincial Prison	50
7.	District Prison	26
Total		143

According to the Public Administration Act B.E. 2545 (2002), while the first four types are under the direct supervision and command of the Headquarters as the central administration, the latter two types are considered as being under provincial administration whereby the governors in the provinces in which those prisons are situated can have some authority in administering the prisons because they are the rulers who have highest power in their own provinces. However, all seven prison types are under the power and responsibility of The Department of Corrections, Ministry of Justice.

Generally speaking, the central prison can be regarded as the maximum security prison because of the fact that its prisoners tend to serve more than ten years. Nevertheless, the MOJ can issue the ministerial regulation to grant each central prison, as well as other prison types, the power and responsibility to detain prisoners sentenced to specific prison terms, such as prisoners whose length of imprisonment is between ten and thirty years, or from thirteen years to life imprisonment and so on.

A remand prison is for the incarceration of offenders on remand, but it can also detain convicted inmates if there is overcrowding in other prisons. A correctional institution is a prison for specific types of prisoners: women inmates, drug prisoners, young offenders and

prisoners who are about to be released. Compared to the central prisons, the provincial prisons are relatively medium security but they are still important especially in provinces that do not have a central prison. Normally, provincial and district prisons are located in the major districts and provinces of the country where the criminal courts are established. The detention house is a prison for incarcerating detainees by virtue of a warrant of detention. Finally, a house of relegation is used to detain habitual offenders as a result of a court decision on whether a particular person should be relegated or not.

Regarding the prison population, as of October 1st 2012, the total number of prisoners was 234,895 (men and women inmates numbered 199,551 and 35, 344 respectively). Among this number, approximately 74.53 per cent or 181,089 prisoners had been convicted, while nearly 24.33 per cent were offenders on remand and awaiting trial. In 2012, the DOC had 10,549 officers (8,402 male and 2,147 female officers), of whom 10,044 were working in the prisons and 505 were serving various duties at the HQ (DOC, 2013b).

1.1: Formulating the research questions

After the key objective of the research had been set, the following step was to formulate the research and related sub research questions. Jupp (2000:14 – 15) argued that:

The conclusions of research will be credible and plausible only to the extent to which the questions and problems they address are clearly formulated and expressed and followed through in a consistent manner during the inquiry.

Above all, the research problems and questions should be capable of being answered by some form of social inquiry. Therefore, my research questions tended to be based on these similar ideas: clear formulation and capability to find the answers. Besides, they were formed in several layers or levels, which could be described as the units of analysis. According to Jupp (2000), all research questions are framed in terms of units of analysis. These are the

individuals, social groupings, contexts, events, geographical areas, institutions and societies about which data are collected.

Overall, the study of the impact of the 2003 war on drugs policy on imprisonment and Thai prison system was guided by these research questions:

Q: What is the impact of the 2003 war on drugs policy on imprisonment in Thailand?

1) At individual/human agency level

- How have the inmates' lives and experiences been effected after the war on drugs policy?
- What aspects of the work of the correctional officers have been changed due to the war on drugs?

2) At the social relationships level

- After the implementation of the policy, what was the major type of relationship between the inmates and the correctional staff?
- How did the war on drugs policy result in a shift in the social structure and relationships behind bars?

3) At prison system level

- How did the prison system fulfil the aim of imprisonment after the war on drugs policy?

In my study, as I planned to focus on various aspects covering the prisoners, prison officers and the social relationships inside the prison, there could therefore be three different units of analysis: a focus on human agency, emphasising the lives and experiences of individuals; social relationships, highlighting the interactions between people; and finally, the prison system, focusing on the goals of prison.

1.2: Collecting and analysing the data

The findings in this study are based on two major material sources: the documentary analysis and the fieldwork at three men's prisons and one women's institution. It is argued that prisons, unlike police and judicial organizations, operate with very little scrutiny until something occurs that comes to the attention of the public. This is why 'field research is so important in these institutional settings' (Copes and Pogrebin, 2012: 342).

The written documents were primarily from government agencies, particularly the DOC and the Office of the Narcotics Control Board (ONCB), which are both key agencies in the Ministry of Justice (MOJ) responsible for prison work and combating illicit drugs respectively.

The fieldwork involved observations and in-depth interviews, which were conducted at Bangkwang Central Prison; Klongprem Central Prison; The Central Correctional Institution for Drug-addicts and The Women's Correctional Institution for Drug-addicts, during the period November 2010 – March 2011. The first three establishments were male maximum security prisons situated in Bangkok and Nonthaburi Province, while the last one was the female medium security prison in Pathumthani Province. After that, some interviews with the executives: the prison directors of all four facilities, and the former Director Generals of DOC were completed in April 2011. Overall, there were forty six participants in the study.

1.3: Definitions and terminology used in the thesis

Importantly, there are some words used throughout this study, which should be clearly defined at this stage, in order to enable a mutual understanding, before being immersed in the thesis. Some aspects of the Thai prison system are unique and different from other countries' systems.

- '*War on drugs policy*': the drugs policy which comprises three main components: preventing people from getting involved with narcotics; offering rehabilitation and treatment

for the addicts; and, suppressing the producers and traffickers of drugs and the precursor chemicals, as well as those involved in drug trades. The policy officially began on February 1st 2003 by the PM's Order 29/2546 signed on January 28th 2003. Therefore, the impact analysed in this thesis focuses mainly on the consequences after the official implementation on February 1st 2003.

- *Narcotic Addict Rehabilitation Act B.E. 2545 (2002)*: the act to treat drug users as patients who need drug treatment, not as criminals. Under section 19 of the Act, any alleged offender on charges of consumption and/or possession and/or sales of narcotic drugs in quantities less than the limit prescribed by a Ministerial Regulation, must be taken to court within forty-eight hours of their arrest, for examination of drug usage or addiction.

- *Drug-related prisoner*: a prisoner sentenced for crimes against the narcotics laws. Throughout this study, this is used interchangeably with 'drug prisoner'.

- *Convicted prisoner*: a prisoner or inmate who has already been sentenced by the Supreme Court of Thailand, the highest court of justice. Therefore, the verdict was final. The Courts in Thailand are divided into three levels: the Court of First Instance, the Court of Appeal and the Supreme Court.

- *Remandee*: in contrast to convicted inmates, a remandee is an offender on remand awaiting trial, either in the Court of First Instance, the Court of Appeal or the Supreme Court. Although they should be perceived as innocent and detained separately from convicted prisoners, in reality, in most Thai prisons remandees are imprisoned together with other convicted inmates, but they are entitled to different rules and regulations.

- *Prison officer*: an officer who works in prisons or correctional institutions. Generally speaking, prison officers are part of the Department of Corrections. The staff working at the HQ of the DOC are not defined as prison officers in this research.

1.4: Organisation of chapters in the thesis

As the findings of this thesis are composed of wide-ranging discussions covering the prison inmates, prison officers and also the social relationships behind bars, I intend to separate the analysis of those issues into various chapters so that the scope of each chapter can be clearly identified. Some of the chapter contents may be connected to each other and therefore they cannot be completely separated. Thus, although the focus of each chapter is different, eventually all of the chapters will help to analyse the key argument, which is the exploration of the impact of the war on drugs policy on imprisonment in Thailand. Overall, this thesis is organised into eight chapters and the core data analysis is in Chapters 4 to 7.

In brief, Chapter 1 is the introduction, which presents a short overview of the research background including the history of drugs policy and imprisonment in Thailand, the development of the research objectives and the gaps in the existing literature. The research questions, the data collection process and the organisation of the thesis will then be explained. This chapter also provides some definitions and terminology used in the thesis, which will help to understand some aspects of imprisonment in the Thai context. In Chapter 2, the literature on the two major topics will be reviewed. The first part is a review of the literature regarding the war on drugs policy. The latter part is a review of the existing literature on the sociology of imprisonment, ranging from the prison inmates, prison officers and social relationships behind bars to the objectives of prisons. There is a small gap in the research focusing on the impact of the war on drugs policy on the prison social world, both in the U.S where the drugs war has been regularly implemented and in Thailand where some studies on the 2003 drugs war impact have been done but they have never examined the prison life behind bars. The following chapter will discuss the research methods and methodology used in this study as well as the fieldwork processes. From the first step in planning to the final step

in reviewing some experiences during the fieldwork, it should be noted that doing research in Thai prisons is neither popular nor an easy practice.

Chapters 4 to 7 are the key chapters that analyse the data and aim to examine the impact of the 2003 war on drugs. In a nutshell, Chapter 4 will examine Thailand's prison population in order to identify the changes in the number of prisoners. The statistical data offer some facts about the decrease in the total prison population and also the increase in the number of particular groups of inmates. Most importantly, the final point of this chapter will explain the changes in the characteristics of prisoners caused by the declaration of the drugs war. This new group of inmates can be acknowledged as the key factor leading to other effects of the war on drugs. Chapter 5 will explore the prison inmates' world, especially their lives and experiences as well as the prison subculture developed inside Thai correctional establishments. Some tougher lives and experiences of inmates after the 2003 war on drugs policy will be drawn out. The prisoners describe how their identity as drug offenders has been negatively affected behind bars.

The prison officers will be the focus of Chapter 6. The discussion includes their working lives and experiences, their recruitment, and their governing and supervising styles. Again, their lives after the war on drugs will be examined to see the increasing difficulty of their prison work and of changing their negative public image. Discourse analysis will be used in this chapter to analyse some different viewpoints and practices among prison officers and between prison guards and staff at HQ. Generally speaking, Chapters 5 and 6 reflect the lives and experiences of two groups of individuals occupying the same world – the prison world.

Then, the following chapter will discover the connections or the social structure between these two parties. Social relationships can be developed among prisoners and also between prisoners and prison guards. Chapter 7 will draw out the typical types of social relations often

found behind bars, ranging from affiliation to conflict between inmates. In the same chapter, the staff-prisoner relationship will be uncovered to understand how these two groups can spend time together inside Thai prisons without any serious disturbances although the prison guards are heavily outnumbered. Interestingly, Chapter 7 will also point out the social relationships inside the Thai prison world which have been shaped by the war on drugs. Finally, Chapter 8, the conclusion, will give a summary of the findings and suggest some recommendations for future studies. The final chapter will link the findings from all of the previous chapters to provide the last piece in the jigsaw that can show how the 2003 war on drugs policy has affected the Thai penal system.

Chapter 2 Literature Review

As indicated in the introduction chapter, the main objective of this research is to investigate the effects of the war on drugs policy, on imprisonment and the prison system in Thailand. As such, this chapter focuses on two major bodies of knowledge: the war on drugs policy and the sociology of imprisonment. Although there are some existing written works on the drugs war launched in numerous countries such as the United States, specific studies and in-depth research, in particular on the impacts of the policy, are quite limited. Apart from the research on drugs wars in other countries, the first section also conducts an overall review of studies on the drugs war in Thailand, which highlights the gap in which my study is situated. With regard to the sociology of imprisonment, I chose various publications to study and review, in order to define my own scope of prison study. As I primarily aim at a thorough exploration of any possible drugs war consequences on prison life in Thailand, the second section covers studies on wide ranging areas of the prison social world in which some of aspects might be identified as effects of the 2003 war on drugs policy.

2.1: Impact of the war on drugs

The literature review for this topic seems problematic in terms of the number of available publications on the impact of the war on drugs policy in the prison world. There might be some books and articles covering the drugs war; however, the notions and perspectives of its impact tend to be ignored, especially when considering the sociological aspects of imprisonment.

Drugs policy has been formulated and implemented by governments in many countries, to tackle drugs and cope with the complicated problems caused by drugs. The aim of a drugs policy is usually perceived as 'the regulation of drugs, comprising drug control, treatment,

prevention, and/or harm reduction' (Frank, Bjerger and Houborg, 2008:7). In general, the attributes of drugs policies seem to vary between countries, depending on their historical background, political ideology, crime policy and relevant social contexts. Bennett and Holloway (2005: 29) concluded that:

Drugs policies in the world can be divided into those that are '*tough*' and crime oriented (focusing on criminal processing and punishment) and those that are '*lenient*' and user oriented (focusing on treatment and harm reduction). Although, in practice, most national policies contain elements of both approaches, it is possible to provide a rough comparison of countries that are more or less tough and those that are more lenient.

Although there is a considerable amount of literature and many scholars have discussed drugs policies and analysed the approaches used to overcome drugs and drug problems, such as legalisation, harm minimisation, prohibition and so on, the only focus of this research is the war on drugs policy which can be found in various publications.

2.1.1. War on drugs

The United States has been one of the leading countries in introducing and implementing this well-known policy because over the past 130 years the U.S. has experienced six drugs wars and the effects of each drugs war have laid the groundwork for the subsequent ones (Jensen, 2008). Bennett and Holloway (2005) believed that the U.S. drugs policy might be regarded as being at the '*tough*' end of the spectrum. Its policy was based on the enforcement model and its main strategies were described as interdiction, arrest, prosecution and incarceration of users. Lynch (2012: 176) argued that:

The existing empirical and theoretical scholarship on the war on drugs and its punitive consequences has been very insightful on many levels. Theoretical treatments have illuminated, in particular, the front end of the war on drugs; that is, the political origins of the war on drugs. Another extensive body of work has focused on the other end, demonstrating its ultimate effects, particularly how its harshest features have affected people of colour.

Developing Lynch's argument, the written work concerned with the war on drugs, can therefore be generally divided into two major areas: the literature focusing on the policy itself, which might cover the attributes of the policy, the criticisms of it, as well as an assessment of the policy's implementation; and secondly the effects caused by the war on drugs policy, on some issues in particular. Crucially, the latter was the key issue that I intended to discover and develop in my research.

There are many pieces of work that present a similar perspective on the increasing size of the prison population and the incarceration rates in the U.S., which can be closely linked to the drugs war. For instance, Mauer (2001) maintained that the changes in sentencing and the impact of the war on drugs have been the most substantial features contributing to the rise in the use of incarceration since 1980. Similarly, Hallett (2002: 371) pointed out that:

‘A rapid increase in the rate of incarceration took place during the latter part of the century, particularly during the years 1980–2000, under the auspices of an officially sanctioned war on drugs, the American incarceration rate roughly quadrupled and stood at unprecedented levels.’

As such, it seems undeniable, according to various writings and the literature that the war on drugs has substantially contributed to the massive prison population in the U.S.

Besides the rising number of prisoners or the incarceration rates, the literature about the war on drugs emphasises the disproportionate amount of drug sentencing of minorities in American society. In fact, these two points are significantly related. To explain, a number of scholars have documented how transformed drug laws and policies have significantly contributed to increased incarceration rates, which have disproportionately harmed poorer, non-White offenders (Alexander, 2010; Mauer, 2006; Provine, 2007, 2011; Reinerman and Levine, 1997; Tonry, 1996, 2011; Tonry and Melewski, 2008 cited in Lynch, 2012). Similarly, Agozino (2000) agrees with Chambliss (1995) to identify the war on drugs in America as a disguise for the ‘war on coloured people’.

Several pieces of work by Tonry (1995 and 2009) have concluded that the U.S. war on drugs was been specifically directed towards the minorities, particularly African Americans, with heavy law enforcement in poor minority areas and especially harsh penalties for 'minority drugs' such as crack cocaine. According to Tonry (1995: 28):

The disproportionately harsher impact of the drugs war on African-Americans was foreseeable. African-Americans are arrested for drug offences at a rate six times that of whites.

In brief, the literature related to the war on drugs policy in the U.S. has indicated the same trend, of the impact of the drugs war being the increasing prison population and the disproportionate enforcement on minority and non-white American offenders.

In other countries, other aspects of the impact of the drugs war have been examined, particularly with regard to children. To give some examples, Fransiska, Larasati and Gunawan (2011) argued that the war on drugs in Indonesia to some extent effected a group of children whose parents or siblings were arrested and imprisoned for drug offences. However, little attention was given to the consequences for the children because the law enforcement bodies tended to strictly enforce the laws in a legalistic manner, and paid no attention to the social background of the defendants. From their study, based on interviews with the families involved, the negative emotional, economic, educational and psychological effects of the incarceration of parents on their children, including reduced economic security, reduction in psychological and emotional well-being, and stigma within the community, were highlighted. They showed how the best interests of the child and the protection of the family were being ignored in the war on drugs in Indonesia.

Another effect of the drugs war on children, found in Afghanistan, were some unintended consequences of the war against drugs initiated by the government of Afghanistan and the international community, which targeted opium cultivation and trafficking. Ahmadzai and

Kuonqui (2011) pointed out, from research based on a series of interviews conducted with farmers, villagers, journalists, activists and policymakers in Helmand, Kandahar and Kabul, that child addicts, bartered girls and the suffering of families were all unintended consequences. Moreover, the counternarcotics practices which led to a 33.7 per cent drop in opium production in 2009, possibly resulted in the increase in child bartering. Also, it is worth noting that the practice of the antidrugs policy in Afghanistan presented a different picture of the farmers and small-scale landowners who were most affected, and the opium smugglers and dealers who had a strong influence over the farmers and small landowners, and remained immune from the policy.

From the existing literature reviewed above, it is obvious that the implementation of the war on drugs policy can have some impacts on particular groups and phenomena. However, the closest link between the drugs war and its impact on imprisonment has been the increase in prison population and in incarceration rates, as well as the non-white American offenders. Accordingly, there is a wide gap in the study of the policy's impact on the world behind bars. To put it simply, it is interesting to explore whether the minority and non-white American offenders, who have increasingly been incarcerated in U.S. prisons, can shape any aspects of their prison social world.

2.1.1. Thailand's war on drugs

In Thailand, social problems related to drug abuse have been increasing for more than a century. From the crisis over opium plantations and heroin trafficking to the methamphetamine boom, the Royal Thai governments have formulated many policies on drugs. It has been argued in the past, that Thailand's drugs policy has prioritised the criminalisation and imprisonment of people who use drugs in an attempt to make the country '*drug free*' (Lhaphthananon, 2007; Pearshouse, 2009).

It is worth noting that in Thailand, and some other countries in the Southeast Asian region, tough anti-drug laws are being adhered to. Indonesia, Malaysia, Vietnam and Singapore still impose the death penalty for narcotic offences. In some cases, narcotic crimes require mandatory death sentences (Frawthrop, 2012). Compared to other Asian countries, Gallahue and Lines (2010) argued that Southeast Asia would appear to have the toughest laws in the war against drug users. Kramer et al. (2009: 81) maintained that:

The penalties for drug use in Burma are strict as the government has criminalised addiction. The 1993 Narcotics Drugs and Psychotropic Substances Law requires drug addicts to register with government medical facilities for treatment and rehabilitation. Failure to register, or being unsuccessful in treatment, is punishable with three to five years' imprisonment.

Indeed, it can be argued that many Asian countries have adopted harsh policies against drug-related offences, including the death penalty (Gao, 2013). China, Iran, Saudi Arabia, Vietnam, Singapore and Malaysia are six countries listed by the International Harm Reduction Association as being high commitment states, who exercise the death penalty with regularity, and in which the majority of executions are carried out for drug offences (Gallahue and Lines, 2010). According to Fransiska et al. (2011), Indonesia is a country that has strongly adopted the war on drugs approach:

The government has made drugs the first and foremost enemy and made it a top priority to eliminate drugs from Indonesia to the extent that visitors entering the country are greeted with signs reading “*death penalty for drug traffickers*”. This hard-line approach has been reflected in law and policy for decades. The Narcotics Law states that all drug-related offences shall be punishable by penal sanctions. A provision exists to permit offenders to be diverted to a rehabilitation centre, but this is at the judge's discretion and as such is rarely used. For most it remains simply words on paper (Fransiska et al., 2011: 143).

The 2003 War on Drugs policy was actually developed within the specific political context of Thailand at that period of time. First, the political stability of PM Thaksin reached the highest point. In 2001 national election, his party, Thai Rak Thai, got 248 parliamentary seats which almost ‘won a parliamentary majority in its own right, an outcome long thought impossible in Thailand’ fragmented party system’ (2013: 114) and needed only several more seats to form a

government. As a consequence, most of his policies could be quickly implemented without serious disagreement among the cabinet and the parliament. Secondly, it is claimed that he tended to formulate the '*populist policies*' which could gain vast support from the public, in particular the rural community (Rich, 2013; Kongkirati, 2014). These included expansion of infrastructure, promotion of small and medium-sized enterprises, war on poverty and war on corruption. The War on Drugs was, therefore, one of his 'populist' policies to counter the boom of methamphetamine which was identified by people according to the opinion surveys as a serious social problem. By 2000-2001, many people in the social elite found their own children were taking methamphetamine (Kramer, Jelsma and Blickman, 2009). Also, it is worth noting that PM Thaksin's government was the first one using national media to communicate with people about the government's campaigns every Saturday by broadcasting the programme called '*PM Thaksin meets the people*' (Thai PBS, 2014). The national mass media became a major political strategy in promoting the War on Drugs policy.

The 2003 war on drugs seems to have attracted special attention. While it has been argued that it had widespread public support, similar to other 'get tough' policies in other countries namely Mexico and Mauritius, (Barrett, 2011), it has been criticised by many scholars in the last decade for numerous understandable reasons.

In the first place, this war was highly condemned due to the fact that it resulted in more than 2,000 deaths and 70,000 arrests (Human Rights Watch, 2004). Some human rights agencies, such as the Human Rights Watch and the Thai AIDs Treatment Action Group, described this policy as notorious due to the controversial issue of extrajudicial killings (Thai AIDs Treatment Action Group, 2008). However, the government and police authorities insisted that only seventy two deaths in fifty eight cases were caused by the police authorities while the other deaths were perpetrated by the drug gangs, who killed their own members because they had to stop them from giving information to the police. According to Connors (2009: 12),

the government barely addressed human rights concerns and adamantly insisted that the killings were the natural outcome of bigger fish killing smaller fish to 'cut the link'. There are about 1,164 cases that are still under investigation and sufficient evidence needs to be found in order to arrest the offenders (Lhaptananon, 2007).

Furthermore, the significant feature of the 2003 war on drugs policy was its deployment of a bipolar drugs policy which included both comprehensive demand reduction strategies by enacting the Narcotic Addict Rehabilitation Act, B.E. 2545 (2002) and strict control as well as penalties for suppliers (UNAFEI, 2005). It could be said that the war on drugs focused on the drug users in a different way, by acknowledging them as '*patients*' rather than '*criminals*', according to the NARA, B.E. 2545 (2002). It was claimed that one of the rationales behind the drug control policy was to disconnect the drug demand from the drug supply on the basis of the principle, 'the addicts are patients who are in need of treatment while the traffickers are those who must be punished under the judicial process' (ONCB, 2005b: 69).

The essence of Thailand's drugs war has been investigated in some studies. Sungkawan (2004) noted that the Thai Government made it a top priority in its drug control policy to place prevention measures ahead of suppression measures and emphasise treatment for drug users together with severe punishments for drug traffickers. These drug strategies seem to be similar to those in some other Asian countries. Research by UNAFEI (2005) found that Thailand, Hong Kong, Malaysia and Singapore have comprehensive drug strategies composed of reducing supply through the strict control and punishment of the traffickers and producers of controlled drugs, preventive educational activities for the general public and the youth population, and demanding reduction that not only utilises punishments for drug abusers but also prioritises treatment, which aims to end drug dependency.

In terms of the effect of the drugs war policy on the size of the prison population, I found this topic particularly intriguing compared with what happened in the U.S. As mentioned in the previous section, in the U.S., it was argued that the increase in the number of prisoners was one of the direct and negative results (Inciardi, 1993; Hagan and Coleman, 2001; Jensen, 2008). As Inciardi (1993) argued, in the correctional sector, the results of the war on drugs included further crowding of the already overpopulated jails and penitentiaries. Similarly, according to research by Caulkins and Chandler (2006), from 1985 to 2002 there were growing numbers of persons incarcerated for drug offences in federal prisons, state prisons and local jails, more than nine-fold, six-fold and four-fold respectively.

Conversely, in Thailand, in 2002, the prison population in Thai correctional facilities reached its highest number, at more than 250,000 (Figure 4.1). However, after the 2003 war on drugs was introduced, the number of inmates declined. According to UNAFEI (2005: 27):

The prison population showed a decreasing trend because of the implementation of the Narcotic Addict Rehabilitation Act of 2002, which stipulated pre-prosecution diversion and compulsory treatment for drug abusers; and the use of military camps for drug abusers' treatment programmes.

As such, there was a decrease in the number of drug-related offenders in correctional institutions after the war on drugs, due to the NARA B.E. 2545 (2002). Nevertheless, at the same time, the NARA B.E. 2545 (2002) led to unpleasant consequences. As Pearshouse (2009) found, the NARA B.E. 2545 (2002), which incorporated a different approach to drug use and dependence by creating a legal regime to provide alternatives to incarceration for some drug offences, was undermined in a number of different ways due to the manner in which the Act had been implemented. To give some examples, under the Act, before treatment programmes began people were routinely held in prison for up to forty-five days awaiting the assessment of their cases. According to Pearshouse (2009), Thailand's prisons are poorly equipped to oversee the process of detoxification and to provide quality medical care and supervision of

the symptoms of withdrawal from drug dependence. Furthermore, there was also the possibility of HIV risk behaviour, such as injection drug use, occurring during this assessment period. More importantly, there was little or no adjustment of drug treatment to meet individual needs. Treatment was the same for all individuals at a centre.

Sungkawan (2004) argued that there were a number of critical issues and problems among the NARA B.E. 2545 (2002) stakeholders in putting the Act into practice. For example, during the initial period of enforcement of the Act, the law enforcement officers faced the problem of identifying and treating drug users and drug addiction activities instead of the criminal activities that they were used to coping with.

Research on Thailand's drugs war policy in terms of its impact can be found in several studies, but none of these have focused on the penal system or a specific group of inmates, especially the ethnic minorities, as most of the research in the U.S. has. Vongchak et al. (2005) examined the policy impact on injection drug users and drug utilisation patterns and explored the injection drug users' experiences and attitudes towards the policy in Chiang Mai Province. According to their study, the majority of participants reported ceasing injections and transitioning to other substance use. The study also indicated that the drugs war had a greater impact in rural areas because the drug users were easier to identify there than in the urban communities. It was argued that in many cases, the participants did not want to report their injection drug practices due to the fear produced by the policy which in turn could lead to increased risky syringe behaviours and the spread of HIV.

After all, in the view of Roberts, Trace and Klein (2004), it was important to balance the gains from a reduction in prevalence, against the costs of the drugs policies, including violence and corruption by police officers, the perverse consequences, the overcrowded prisons, a rise in low-level property crime, and the switch to other potentially harmful drugs. They argued that

although it seemed to have had short-term gains for the war on drugs, in terms of prevalence, these needed to be balanced against the costs, such as the damage to Thailand's human rights record, the increased risk of infection from blood borne diseases and the pressures on the prison system. Similarly, Lhaptananon (2007) maintained that the war on drugs policy was just a temporary approach to deal with drugs. After managing many research projects during the implementation of the drugs war policy, he indicated in his study, *'War on Drugs: the Unsustainable Solution'* that the decrease and disappearance of drugs, especially methamphetamines during the war on drugs policy, was an illusion, creating the elimination of the demand and supply of drugs for just a period of time. He also pointed out that the drugs war policy did have some social impacts, both positive and negative, on the drug users:

It was found that there was a decrease in drug use within a community. The possible reasons were that: the drug users were under great pressure to report themselves to the government agencies in order to receive the treatment; and it was very difficult to buy the methamphetamine as the price was too high due to the government measures to terminate the distribution cycle (Lhaptananon, 2007: 108).

As for those who voluntarily received treatment under the implementation of the drugs war policy, they believed that their physical and mental health conditions had improved. Also, they received a good response and support from their colleagues and friends to undergo the rehabilitation. As for their families, the feedback was quite bad especially during the early stage when they went to report themselves to the authorities as the drug addicts. Normally, their family members were ashamed to have someone in their family who was a drug user. The family members tended to be stigmatised. In some local villages, the families had had to move out and live in new places in order to escape this feeling. However, after about six months, the situation seemed to be better because they could accept the truth while the community started to forget the story and focus on other local issues (Lhaptananon, 2007). In Lhaptananon's findings, the negative image of drugs was clearly presented. It was not only the drug users who suffered the stigma, but also the rest of their families.

Interestingly, according to Lhaptananon's study (2007) the government officers and their families were affected by the operation during the implementation of the drugs war policy. The government officers, such as policemen and officers of the Ministry of Interior, agreed that it was the government's urgent policy that showed a lack of proper preparation and unclear operation guidelines. The government tended to focus on the official orders and targets of the operation without establishing a mutual understanding among the operative staff. There were many problems during the process that affected their working lives in many negative ways, including increased stress, boredom, lack of support and family problems. His findings on this aspect are in line with my research, in terms of the impact of the drugs war on the lives and experiences of prison officers, who have had to work harder and have been exposed to more stress due to the increasing difficulty of their prison work.

In short, both the publications on the war on drugs policy in Thailand, and its literature in other countries have not focused on the consequences of the drugs war within the realm of the prison social world. While the existing international studies have highlighted the policy's consequences in terms of the mass imprisonment and the so-called racial drugs policy that specifically target a group of minorities, as well as the effects on some groups of children, in Thailand there have been various written works discussing features of the policy itself and some common criticisms of the implementation of the NARA B.E. 2545 (2002). As such, my research questions were organised outside of these aspects. However, the key issue to be developed next is how the scope of imprisonment and prison study should be covered in order to analyse whether these could be affected by the drugs war policy in Thailand.

2.2: Sociology of imprisonment

Prisons and imprisonment have been researched by a number of sociologists for a long time. Matthews (2009: 50) noted that the starting point of inquiry for much of the early sociological

literature on imprisonment was 'the question of why prisons which contain large numbers of people who are detained against their will are not the sites of continuous hostility and conflict'. Although the main debates and discussions have been associated with prisons and imprisonment, the focus of the sociological literature is varied and ranges from the inmates and the prison guards to the prisons as institutions in the criminal justice system. Scott (2008: 111) argued that the sociologies of prison life have investigated the experiences and lived realities of prisoners and prison staff. They have generally looked at many topics, namely the extent and nature of the pains of imprisonment and their differences among various groups of people; the strategies of psychological survival; the cultures and argots; the exercise of penal power and the management of prison conflicts; order and the prevalence of violence in everyday life; the nature of penal controversies; and the moral legitimacy of imprisonment. Sociological studies have investigated many different aspects of prison life, with authors often combining a number of the above issues in their work.

Among the early literature on the study of prisons, *'the Prison Community'* by Donald Clemmer (1958), *'the Asylums'* by Erving Goffman (1961), and *'the Society of Captives'* by Gresham Sykes (1958) are three of the most well known examples. Clemmer (1958) introduced the concept of 'prisonization' into prison sociology, emphasising that inmates are socialised into a deviant sub-culture during their stay in prison. The meaning of prisonization is the adopting of the norms, customs, values and culture in general, of the penitentiary. Some people become prisonized more quickly or more fully than others, depending on the strength of their ties to the outside world. According to Mathiesen (1966: 360), 'Clemmer hypothesised a negative association between degree of involvement in the inmate culture and adjustment after release'

Goffman (1961) introduced the concept of 'total institutions' to explore the social world and the lived experiences of the objective and subjective in a specific community. He maintained that the prison was just one among a range of total institutions which shared certain functions and characteristics and generated similar responses and adaptations (Crewe, 2007). According to Goffman (1961) the total institutions should be defined as:

a place of residence and work where a large number of like-situated individuals, cut off from the wider society for an appreciable period of time, together lead an enclosed, formally administered round of life (Goffman, 1961: xiii).

According to Rubin (2005), there are five groups of Goffman's total institutions: the institutions that care for those who are incapable of caring for themselves but are considered harmless; the institutions that sequester groups who are incapable of caring for themselves and pose a threat to others; the institutions designed to protect the community from those perceived as threats where the welfare of the inmates is not a concern; the institutions established to pursue a worklike task; and the institutions that form cloistered retreats or monastic orders designed for training and the pursuit of a religious vocation. Thus, apart from prisons, the total institutions of Goffman may refer to these places: mental hospitals, army barracks, boarding schools, orphanages and so on.

In *'The Society of Captives'*, Sykes (1958) indicated that in order to understand the meaning of imprisonment, it is necessary to see the prison as a society within a society or as something more than a matter of walls and bars, or cells and locks. By doing so, he studied the single social system and total power of the New Jersey State Maximum Security Prison. Interestingly, several crucial points are raised by Sykes. Firstly, the inmates were subjected to some deprivations, which could be considered as the pains of imprisonment composed of the deprivation of liberty, the deprivation of goods and services, the deprivation of heterosexual relationships, the deprivation of autonomy, and the deprivation of security.

Apart from Sykes' ideas about the pains of imprisonment which have direct effects upon the prisoners, Walker (1983) studied the side-effects of incarceration and pointed out six obvious impacts of incarceration, which are: the damage to the physical health of prisoners, such as malnutrition and insanitary conditions; the damage to their mental health, which can happen in terms of mental disorders; particular problems caused by incarceration including missing somebody or feeling that life is being wasted; the tendency to acquire more ideas and techniques from other inmates about committing their next crime; the grievances caused by the rules and standing orders from the staff; and finally, the hardship on marital and family relations. It is thought that one clear contrast between Walker's and Sykes's perspectives is that on the one hand the pains of imprisonment discussed by Sykes seem to occur generally to all inmates with different degrees of deprivation, whereas on the other hand, the side-effects of incarceration as observed by Walker, might not necessarily happen to every inmate. However, I found both works useful in contributing the basic ideas about the possible deprivations experienced by prison inmates and the development of the research questions, regarding whether the Thai prison inmates have suffered these deprivations to a greater extent or with new pain since the implementation of the 2003 war on drugs policy.

The second point raised by Sykes, was that in terms of the real relationship between guards and inmates, the dominant position of the custodial staff is more fictional than real:

The guards require some degree of co-operation from the inmates. Evaluations of the guards' performance will be measured by the activities and attitudes of the prisoners. Guards are therefore compelled within this society of captives to tolerate minor infractions and to exercise considerable discretion in the enforcement of prison rules. At the same time, prisoners have an interest in maintaining some level of predictability and stability in their daily lives and in maintaining a reasonable degree of personal security (Sykes, 1958 cited in Matthews, 2009: 51-52).

Thirdly, Sykes also highlighted the ways in which prisoners develop a special language or argot, which is a means of communicating with other prisoners (Scott, 2008). However, Sykes' second point mentioned above was challenged by Mathiesen (2006), who argued that the

guards retain enormous power since the prisoners are reliant on the distribution of benefits and burdens by staff. More specifically, the staff control the prisoners' access to a host of aspects of everyday life (such as food, possessions and contact with family) which could be immensely significant due to the conditions of captivity. Additionally, as stated by Mathiesen, inmates indeed largely lack the kinds of solidarity and peer support on which Sykes placed so much emphasis. According to Sparks, Bottoms and Hay (1996: 46):

For Mathiesen, prison inmates are in a position of both psychological and material weakness, and their dependency leaves them in a situation analogous to that of a child unable to contest its parents' untrammelled power except by reference to a generalised expectation of fairness.

To comment on this discussion, in my personal view, the shift of power and order in prison also depends on the significance of the ratio between the prison inmates and the guards at the time. In a prison system where there is a shortage of prison staff and the ratio is very high, it seems inevitable that the position of power within the prison tends to be compromised, as it is extremely difficult for the prison guards to perform all of their duties efficiently, especially keeping the overcrowded prison population under control. In Thailand, where the staff to inmate ratio is very high, in reality the guards do not have as many powers as Mathiesen pointed out and as a result they need to gain some degree of co-operation from inmates.

According to Crewe (2007), Sykes' work covered and connected a number of key issues in prison sociology: the relationship between the prison and the outside world; the everyday culture of prison life; the pains of imprisonment, adaptation, hierarchy and social relationships; and questions of power, order and resistance. As a result, Sykes' work is regarded as being of contemporary relevance and is still very influential in academic prison research. In fact, 'the Society of Captives was recently judged to be the most influential book in prison studies of the twentieth century' (Reisig, 2001 cited in Jewkes and Johnston, 2006: 159). Nevertheless, Sykes' work still leaves some room for further discussion, for example:

It is tempting to speculate that Sykes deliberately underplayed the relevance of external factors in order to shore up the theoretical simplicity of his case. It is also important to note that, at the time of his writing, prisons were more socially isolated institutions than they are today, and without the same avenues to the outside world that telephones and televisions now provide (Crewe, 2007: 126).

In some countries, such as France and the United Kingdom, personal or in-cell televisions are already permitted in prisons (Jewkes, 2007). It is undeniable that this changing condition could alter the experience of imprisonment, especially in terms of Sykes' argument about the deprivation of goods and services.

The deprivation model is mainly criticised for the failure to recognise the values and behaviours that the offenders bring into prisons. According to Marks (2004: 64), by the 1960s, the deprivation model 'became challenged by what is known as the importation model of prison communities'. The notion of importation model was introduced by Irwin and Cressey (1962) who suggested that the adaptation to prison of an inmate is influenced by factors external to the context of the prison, including the latent social role or culture, and the prior experience outside the prison for coping with imprisonment. By dividing into three categories which are thieves, convicts, and legitimate men, they all bring certain values and behaviour patterns to prison with them and 'that total inmate culture represents an adjustment or accommodation of these three systems' within the official administrative system of deprivation and control (Irwin and Cressey, 1962:153). Interestingly, they further linked the subcultures to the behaviors after release by arguing that the men oriented to legitimate subcultures should have a low recidivism rate, while the highest recidivism rate should be found among participants in the convict subculture.

While a vast amount of literature regarding prison sociology has focused on the inmates' lives and their society within prisons, another point of view in the research on the traditions of imprisonment can be found in the work of Carrabine (2000 and 2004). He argued that there

are two distinguishable research traditions that should be combined. One body of inquiry is a microsociological perspective, focusing on the internal dynamics of a particular institution, such as the concern with the daily life of the prisoners and staff in the institutions themselves, in particular the discovery of the experiences of imprisonment for the keepers and the kept. In contrast, the other tradition is more macrosociological, describing the external functions of imprisonment, and illustrating what punishment is for. In other words, it involves looking at the place of punishment in society, and prefers to indicate how penal practices are related to broader social processes, economic relations, political structures, historical formations and cultural sensibilities (Carrabine, 2004).

Carrabine (2004) argued that in order to identify the conceptual structure in structuring the experience of imprisonment, it is necessary to identify six significant discourses. The first three discourses relate to the ends of imprisonment which are: rehabilitation, normalisation and control; and the second group of three means discourses include: bureaucracy, professionalism and authoritarianism. The ends discourses correspond to political rationalities which are the appropriate mentalities justifying what prisons are for, whereas the means discourses should be regarded as governmental technologies which are the methods of running prisons. Such a characterisation enables the analysis to comprehend what the prison is for in a macrosociological sense, and reveals what the experience of imprisonment is like in a microsociological sense (Carrabine, 2000).

In this study, it is argued that the sociology of imprisonment is the systematic analysis of three major spheres that are relevant to prisons and imprisonment at different levels of study: *the human agency, the social relationships, and the prison system*, with the objective of improving critical knowledge guided by some key questions at each level. My thesis aims at discovering the significant influences of the declaration of the war on drugs at these three levels. As a

result, the review of the literature and the analysis of the thesis findings are also managed to primarily focus on these issues: prison inmate, prison officer and social interaction behind bars.

2.2.1. Human agency level – ‘to explore the lives and experiences of inmates/ prison officers’

At the first level, there exists ‘*the human agency*’, which can be interchanged with ‘*the individual*’, as the dominant area of prison study. Although it seems that prisoners are often the major focus, the correctional staff are also included in the central study of the prison at the human agency level as well.

As for the prisoners, there appear to be numerous sociological aspects to be researched starting from the language and the prison argots, to the cultures, ways of thinking, and the different lives of the prisoners. These issues represent the key empirical and theoretical areas of prison sociology. In Thailand, according to Suvarnabhumi et al. (2007), the participants in their study at Lopburi Central Prison had many designs of tattoos, such as dragons, eagles, snakes, evil, tigers, spiders’ webs, women and flowers, as well as some messages and also people’s names. Buranaprasertkul (2002), who studied the slang language of prisoners in Klongprem Central Prison, argued that prisoners’ slang words could be divided into twenty-seven categories, of which the most significant was the slang related to drugs and alcoholic drinks.

Regarding drugs in prisons, some prisoners tend to have personal experience with illicit drugs. Although the presence of drugs is a symbolic challenge to staff control and authority, Crewe (2009) discusses the significant roles of drugs, particularly heroin, in English prison. Apart from the fact that drugs are used for recreational purposes, to counteract boredom and insomnia, as well as to alleviate stress and frustration, according to Crewe (2009), they are

also used to determine the prisoner status, power and social hierarchy. As such, the inmates who are involved with heroin, either as the dealers, users or as the addicts are perceived differently behind bars. From his study, drugs became the central component of the informal economy of prisoners which were illegally supplied by five main channels: post, town visits or home leave, visits, corruption or collusion of staff, throw over the prison's fence. Besides, Crewe (2009) further mentioned other aspects of informal trade and illicit activity, especially, the mobile phones which were the primary target of the prison's security officers. Similar to drugs, they were smuggled by throwing over the fence or bringing in by corrupt staff and were used for various purposes. For example, they could be used to contact friends and families, to call sex lines and to arrange for drugs to be thrown from the outside into designated areas behind the prison walls. Sometimes the inmates rented out their phones for profit.

Nonetheless, the most important investigation regarding issues about prisoners is to explore the lives and experiences of inmates in prisons by approaching the questions of: what are the significant aspects of their prison lives; and how does imprisonment impact on the inmates.

In my research, the lives and experiences of individuals are normally separated into different stages of time particularly the first moment experiencing the social phenomenon and the later moment after some passage of time. This style of time phase was applied by Crawley and Sparks (2006) who explained the entry shock stage of elderly prisoners' experiences and the following phase when they settled into prison life. The time division into the early and later stages, demonstrates the individual's life and experience more clearly and facilitates the individuals to remember particular feelings and life moments.

One of the issues concerning the lives and experiences of prisoners that I found interesting is a particular factor that makes their prison lives harder. Some aspects of Phillips' (2012) book, *'the Multicultural Prison'*, added a spark to my thesis. The aim of her study was to get beneath the survey and ethnic monitoring data 'to examine how race relations are felt and experienced by prisoners inside' (Phillips, 2012: 50). This raised a discussion about the fact that some groups of prison inmates can experience greater hardship inside the prison walls than other prisoners. While race relations were not dominant in the Thai prisons, the status of prisoners who had committed crimes against the narcotics laws formed their identity, making their lives and experiences behind bars unequal and in some cases inherently inferior to prisoners sentenced for other types of crimes. Chapter 5 shows that they have less privilege than other inmates in terms of the Royal Pardon, causing their pains due to imprisonment to be more intense.

Interestingly, imprisonment might not only impact on the prisoners themselves, but also on the prison inmates' families. Some scholars have discussed the attitudes, feelings and experiences of families after their family members were sent to prison. To give some examples, Condry (2007) examined the experiences of a group of relatives of prisoners accused or convicted of serious crimes such as murder, manslaughter, rape and sex offences. The study indicated that the prisoners' relatives usually experienced moments of being stigmatised, which could elicit a range of emotions including anger, sadness, humiliation, embarrassment and shame, which was one of the most significant. In a similar vein, Murray (2005) emphasised the negative impact of imprisonment on the partners of offenders, including loss of income, social isolation, difficulties in maintaining contact, deterioration in relationships, and extra burdens of childcare. It is argued that not only the partners or wives of offenders, but also the children of prisoners can suffer a range of problems such as depression, hyperactivity, aggressive behaviour, withdrawal, regression, clinging behaviour,

sleep problems, eating problems, running away, truancy and poor school grades (Boswell and Wedge 2002; Centre for Social and Educational Research 2002; Johnston 1995; Kampfner 1995; Sack et al. 1976; Sharp and Marcus-Mendoza 2001; Shaw 1987; Skinner and Swartz 1989; Stanton 1980 cited in Murray, 2005).

At the same level of analysis, the correctional staff or guards have also been the focus of the prison study. Although their role seems less important than the prisoners' and mostly 'they are consigned to the margins in the sociological prisons literature' (Jewkes and Johnston, 2006: 163), it seems unreasonable to ignore the study of this group. As noted by Arnold, Liebling and Tait (2007: 471):

In order to understand the experience of prison life for prisoners, or the significant variations between prisons, it is necessary to have a clearer understanding of the role of the prison officer.

More importantly, there is a common notion that the prison officers seem to be portrayed and perceived by the public and the press in a negative way. Crawley (2004), Coyle (2005b) and King (2008), all illuminated the public's negative view and the media's stereotyping of the work of prisons. Crawley (2004) further explored many interesting aspects of prison officers' lives in England and Wales, starting from the primary reasons behind their decision to apply for a prison job, the recruitment process, to the first and later stages of their experiences of working in prisons, including the health issues that may be affected by this type of occupation – which are also discussed by Liebling, Price and Shefer (2011). These studies indicated that prison officers seem to suffer from high levels of stress, partly due to the high risk environment and also because of the increased likelihood of them encountering difficult situations such as prison violence, disturbance and suicides as well as serious injuries of prison inmates.

Crucially, in the Thai prison system, it should be noted that on average the prison officers are inclined to stay in the prisons longer than most of the inmates, and some have worked in the prisons for more than twenty years. Suputtamongkol (1999: 55) described a view from a Thai prison officer in her study that:

A prisoner will finally have the day that he/she leaves prison and does not have to come back, but a prison guard, on the contrary, has to be inside the prison walls forever unless he/she retires from DOC.

Accordingly, if the prisoners are affected by their incarceration, the prison officers might also absorb some sociological impacts. Of course, the effects on the prison guards are dissimilar to the effects on the inmates since they have divergent social status in correctional settings.

2.2.2. Social relationships level – ‘to understand the social relationships and find the reasons why prison can perform its role without disturbance’

Moving to the second level of analysis, which is *‘the social relationships’* level, the basic approach is to firstly understand the social relationships among the individuals behind bars. It aims to look at the elements beyond the individual’s life as previously discussed in the human agency level. In the first place, the social relationships among prison inmates behind bars can be developed in various forms and directions, both positive and negative. There have been numerous studies on prisoner social relations and hierarchies, comprising the everyday relationships between individual prisoners and prisoner subgroups, and the terms of status and stigma within the prison community. For instance, regarding the inmate code, which is the set of values, norms and maxims that prisoners promote as a guide to appropriate conduct within their community, Sykes and Messinger (1960:8) summarised that:

The value system has five main tenets: don’t interfere with other inmates’ interests, or ‘never rat on a con’; don’t lose your head, or ‘play it cool and do your own time’; don’t exploit or steal from other prisoners; don’t be weak, or ‘be tough – be a man’; and ‘be sharp’ – don’t ever side with or show respect for prison officers and representative.

In a similar vein, Irwin (2005: 33) maintained that the convict code was a prison adaptation of the thieves' code, of which the central rule was 'Thou shalt not snitch'. In prison, thieves convert this to the dual norms of 'Do not rat on another prisoner' and 'Do your own time'. Mathiesen (2006) claimed that inmates were asked by their fellows to be loyal, fair, manly and unquestioning, which are also the norms of acceptable culture in many societies outside of the prison walls. In England, Crewe (2009) argued that locality or a shared hometown was one of the key factors for prisoners in establishing bonds between them and for them receiving help and social support. Moreover, the basis of their social bonds can be derived from the experience of sharing cell-space, transferring from one prison to another, or staying in the same prison prior to their current establishment. In the men's prisons in the U.S, Irwin (2004: 93) noted that:

The racial prejudice and mostly informal racial segregation that characterized prison social organizations in the 1960s, '70s, and '80s continues, though at a greatly reduced level. Though prisoners are friendly with some individuals of a different race, they almost exclusively 'hang' with and restrict their close friendships to, their own race.

Regarding the gang, Levan (2011) described the prison gang as an inmate group based on the same race and ethnicity, which has a hierarchical structure, with a leader and members. The general roles of the prison gang are to threaten the prison order and gain social status from other prison inmates through the use of violence.

Secondly, it seemed interesting to explore the reasons why this institution, which contains large numbers of people against their will, can perform its role without disturbance. Although some people might consider that prisons and correctional institutions are full of power and authority under much legislation, namely the Criminal Law, the Criminal Justice Act, the Penitentiary Act and so on, it should however, be realised that this group of people have already broken existing laws by committing crimes. As a consequence, it is highly intriguing to discover how the prisons can keep control and order by enforcing all of these rules and regulations, which seem meaningless to lawbreakers.

It is believed that some forms of social structure behind bars are the key to maintaining order in prisons, although they are quite complicated and wide-ranging. According to Sparks et al. (1996), both the means used and the conception of order sought or imposed, can vary significantly from one prison system to another, and even in different prisons within the same system; because of this, throughout the history of prisons, incidents involving disorder have taken place frequently in some countries, whilst in other societies prisons have performed for a long time without any kind of disturbance.

In fact, it is expected that violence can routinely occur in prison. Nevertheless a study by Edgar, Donnell and Martin (2011) maintained that there were factors that could delay, prevent or minimise physical violence, including the risk for prisoners or losing their privileges and possible negative consequences. In addition, in terms of conflicts, it has been observed that there are some prison norms whereby prison inmates resolve issues by negotiation without interference from prison officers.

One of the significant issues behind bars is homosexuality, which has been recognised as part of prison culture since prison life came under study (Fishman 1934; Ford 1929; Gillombardo 1966; Halleck and Hersko 1962; Hopper 1969; Ward and Kasenbaum 1964, 1965, cited in Blackburn et al, 2011). Sykes (1958) also emphasised that homosexual relationships occur in prison as a way of overcoming one of the pains of imprisonment: the deprivation of heterosexual relationships. It is believed that in order to fulfil their desire or need for sexual gratification, inmates of the same sex turn to one another (Blackburn et al, 2011:59). It is also argued that the hard, emotionally cold and hostile environment of prison can cause the prisoners to be starved of affection (Wooden and Parker, 1982). This notion is supported by Ward and Kassebaum (2007) who studied homosexuality in women's prisons and found that this type of love affair may be viewed as an attempted compensation for the mortification of

the self suffered during a period when personal worth is most severely questioned, inside the prison walls.

The following focus at the level of '*social relationships*' is an examination of the form of social structure that constitutes the particular kinds of associations between inmates and prison officers. As the relationships between prisoners and prison officers were previously discussed in the literature of Sykes and Mathiesen, there seems to be an agreement that this issue should not be excluded from the study of prisons because of the fact that the relationships between prisoners and staff are of fundamental importance in addressing the issue of control in prisons. Sparks et al. (1996) and Crawley (2006) further observed that in reality the relationships between officers and prisoners are extremely complex, although prison officers have very fixed views of prisoners. Irwin (2005) highlighted some crucial rules translated from the convict code that have increased the hostility and unfriendliness between prisoners and guards. The rules included: do not inform; do not openly interact or cooperate with the guards or the administration; and, do your own time.

Nevertheless, it should be noted that in some penal systems the relations between prisoners and staff might have changed over the past decade because of the growing use of technology for surveillance. For instance, in the U.S., human contact with prison officers is gradually being replaced by high security technology equipment in the super maximum security prisons (Riveland, 1999; Haney, 2008). However, Drake (2011) pointed out that the maximum-security prisons in England are not like supermax facilities in the U.S. which allow little staff-prisoner engagement and few hours for prisoners to get out of their cells:

English maximum-security conditions allow prisoners to associate with one another, become employed in a range of educational or vocational activities in the prison, attend structured exercise, and engage in fairly high levels of staff-prisoner interaction (Drake, 2011: 370).

The final point to raise here at this level of analysis, of social relationships, is the study of the structure and design of prison characteristics, which are obviously different in each country and can lead to dissimilar patterns of relationships between the guards and the prisoners. Generally, the types of prison accommodation in prison systems around the world seem to be roughly divided into two groups, which are the typical single cell accommodation, and the dormitory or large confinement cell where many inmates are incarcerated together. According to King (2007: 115):

The practice of cellular confinement and single cells, which were the most essential element in Western thinking and practice concerning imprisonment, are by no means universal. In some countries the modal form of imprisonment involves confinement not in separate individual cells but in larger rooms variously referred to as cells, dormitories or wards, each housing anything from 12 to 100 or more prisoners.

For example, few Russian and Brazilian prisoners will have experienced cellular confinement even while on remand awaiting trial. However, this does not mean that there is not any cellular confinement accommodation in these countries. In fact, single-cell accommodation is usually reserved for punitive purposes, as a control measure or as a tiny fraction of the confinement for the most serious offenders, as is the case in Russia (King, 2007).

With regard to Russian prisons, similar aspects of confinement are emphasised in *'Surviving Russian Prisons'* by Piacentini (2004), who noted that in the Western penal systems, the penal architecture tends to focus on design around security, risk, isolation and containment. Conversely, in Russia, the most striking feature of the physical structure of penal colonies is how they are designed around the needs of production. One of the convincing reasons for this practice seems to be that prison labour has been central to Soviet imprisonment for a long time. Both the works of Piacentini (2004) and King (2007) nicely illustrate the prison's physical structure in non- western nations which is similar to that found in Thailand, where the dormitory style is the major type of cell in all of the correctional establishments and solitary or single cells are used for disciplinary punishment (Suputtamongkol, 1999).

On this point, a key topic to consider further is how all of these different types of prison accommodation and the role of prison staff, particularly in Western countries, Russia, and Brazil, can have a significant impact on the relationships or social structure among the people in the society behind bars. For instance, in Brazil, where the majority of inmates are housed in dormitory accommodation, it is found that the Sao Paulo remand prison is actually run by a group of inmates called '*the faxinas*' who have the role of leaders within the pavilion. The role of prison staff is quite subordinate, with the staff rarely entering the pavilions and often only doing so with the permission of the faxinas (King, 2007).

Owing to the fact that many of the prisoners are housed within dormitories, rather than in single-cell accommodation, and the scenario that some groups of inmates can be hugely influential in the community of prison staff and fellow inmates – as has already happened in Sao Paolo remand prison – King (2007) argued that the notion of '*panopticism*', proposed by Jeremy Bentham in the late eighteenth century, has very little meaning or application in this type of prison system. In support of his argument, he claimed that the prisoners were indeed not under the regulatory gaze of staff and that the members of staff were not under the gaze of their superiors. I query King's argument concerning the extent of panopticism. According to Fiddler (2008: 196):

The Panopticon was premised on the duality of the seen and not seen. The prisoners would be perpetually on display, the guard perpetually obscured. The prisoners will never know whether they are actually observed, therefore, they would internalise the surveillant gaze of the guard and modify their behaviour accordingly.

To comment on this point, there are two critical issues that should be considered separately. In the first instance, the case of Sao Paolo remand prison might be able to support the notion that panopticism cannot be applied, in the sense that each inmate is not observed by the prison guards. In fact, the inmates tend to easily watch the activity of prison officers who are fewer in number due to the understaffing situation. However, my second point is that

although the term Panopticon is used to describe a prison with a tower at the centre and a periphery building composed of cells from which every inmate can be observed and under surveillance by the prison guards (Carrabine et al., 2009), I believe that this does not always mean that the sense of visibility and surveillance will be completely obscured in other prisons which are composed of dormitory style accommodation. In Thailand's correctional establishments, where approximately 50 to 100 prisoners are all contained in the same dormitory, the prisoners are still monitored by the prison guards via the application of CCTV or, in some circumstances, by other inmates housed in the same large cell, who observe misbehaviours and report them directly to the authority. As such, the prison inmates seem unable to have a private life in the dormitory type accommodation. An interviewee emphasised that *'there is no secret in prison because prisoners share the place with other inmates almost every minute'* (Inmate: F). Because of this, the dormitories or sleeping places in Thai prisons facilitate the social relations in which the inmates' activities cannot be completely hidden from the surveillance of others.

Nevertheless, King (2008)'s explanation about the faxinas in Sao Paulo remand prison is parallel to that described by Sykes in *'The Society of Captives'* (1958), in which the order in prison is obviously negotiated. The prison guards and even the prison governors can hardly perform their tasks without the cooperation of the inmates. Therefore, it seems clear to me, that to some degree, some aspects of the social structure inside prisons between inmates and prison guards are surprisingly similar, whether the prison consists of single cell accommodation such as in New Jersey State Maximum Security Prison, or dormitory style accommodation, such as in Brazil. In other words, it is impossible to conclude that the negotiated order of social relations between inmates and prison guards can be solely found in either the single cell or dormitory type accommodation in prisons.

2.2.3. Prison system level – ‘to analyse how imprisonment and the prison system fulfil the aims of punishment’

Finally, the last and broadest stage of the framework of this study is the ‘*prison system*’, which is mainly underpinned by the consideration of how imprisonment fulfils the aims of punishment. In other words, this part will analyse whether or not the prison system can achieve what society expects from it. Apart from the focus on the studies of prison inmates and prison guards, prison research must also examine the macro level, which is the role of the prison in fulfilling the aims of imprisonment. The question of purpose is an important one, because unless there is some clarity about this, it will be difficult to discover whether or not imprisonment is effective; ‘if we wish to know whether or not prison achieves its purposes, we have to understand what they are’ (Coyle, 2005b: 12).

The ideologies of imprisonment or the arguments about the purpose of imprisonment have been discussed for a long time. On the one hand, imprisonment should be concerned with its role in the reduction of the incidence of crime, a process which is usually divided into three aspects: incapacitation, deterrence and rehabilitation as the utilitarian functions of imprisonment (Flynn, 1998); and, on the other hand it has a retributive duty to give offenders what they deserve.

The sociology of imprisonment, therefore, should be able to take into consideration the performance of the prison system, whether it can achieve the aims of imprisonment over that period of time or not, and to what extent. As such, I originally intended to analyse how the 2003 war on drugs affected the prison system in performing its roles. The notion in which I was most interested among all of the aims of prison was incapacitation or the belief that while prisoners are in custody they cannot perpetrate crimes against the general public (Wilson, 1975 cited in King, 2007). The chief reason for this was some recent news reporting the drug

business behind bars, which meant that some inmates are still able to commit drug crimes while in prison.

A discussion on the aims of prison can be also found in Adler and Longhurst's study (1994). They pointed out the significant discourse framework by emphasising the analysis of two discourses, the 'ends' and 'means' discourses, to examine the prison system. While the ends discourse is concerned with the ends of imprisonment or what prisons are for, the means discourse deals with the means of imprisonment or the way prisons should be run. The ends discourse, therefore, can be linked to the focus on the objectives of prison.

According to Adler and Longhurst (1994) the ends discourses can be identified as 'rehabilitation', 'normalisation' and 'control', which are all regarded as the aims of prison. However, there are several differences in terms of their focus and aims. Firstly, concerning their focus, the rehabilitation discourse highlights the 'deviant individual' who is deemed to be psychologically disturbed, socially maladjusted or otherwise out of step with the rest of society in some way. However, the focus of the normalisation discourse is on the normality of the incarcerated individual. A prisoner is seen as a normal individual, who happens to have committed a crime, for which he or she has been punished but for whom the experience of prison itself should not be punitive. The control discourse tends to stress conformity in prison.

Secondly, the goals of these discourses are wide-ranging. The normalisation discourse seeks to obviate the negative effects of prison by merely aiming to ensure that the individual will not become 'worse' during the period of incarceration. It could be seen that this contrasts in an extreme way with the rehabilitation discourse, which maintains that the individual can get 'better' in prison:

To socialise the individual back into society, which in turn leads to a reduction in crime and hence to the protection of society, is the aim of prison in the rehabilitation discourse (Adler and Longhurst, 1994: 37).

The control discourse is not concerned with the rehabilitation or reform of the individual (with the demand that the prisoner should really change) or with the normalisation of the prison (with the demand that prisoners should be treated as much like individuals in the community as possible). Rather, it maintains that the individual should conform to whatever measures are deemed necessary for the maintenance of order and discipline in the prison. As such, it is particularly concerned with the protection of prison staff (Adler and Longhurst, 1994).

According to Adler and Longhurst (1994) the means discourse is composed of 'bureaucracy', 'professionalism' and 'legality'. To explain each discourse, firstly, the bureaucratic discourse focuses on the prison system as a whole and is primarily concerned with the achievement of uniformity, consistency and fidelity to the rules. Moreover, it advocates direct administrative accountability to Headquarters and thus of the governors to civil servants. As for the professional discourse, it concentrates on the individual establishment and emphasises leadership, experience and judgment as means of enhancing the institutional ethos. It envisages a greater degree of decentralisation and negotiated forms of accountability.

The legal or juridical discourse associated with the courts and the legal system stresses that prisons should be held accountable to the rule of law as interpreted by the courts. It focuses on the individual prisoner and its primary concerns are with protecting the prisoners' interests and strengthening the means available to individual inmates, so as to assert their general and special rights (Richardson, 1984 cited in Adler and Longhurst, 1994).

It should be noted that the means and ends discourses are crucial because they link and match with my framework of three units of analysis. To explain, while the human agency and the

social relationships levels focusing on the inmates' and prison officers' lives and experiences as well as the social relationships among them, could actually be connected to the means discourses in the sense that the discussions concern 'what the experience of imprisonment is like' (Carrabine, 2004: 38) and how prisons should be run, the ends discourses could be linked to the prison system level in my thesis as the aims of prison or what prisons should be for are the central focus. Although these six discourses of Adler and Longhurst were identified to discuss imprisonment in Scotland, their application to Thai prisons could also help to understand the different views and justify the practices of the actors in the Thai penal system.

To apply these to the Thai prison system, first of all, in terms of the control and rehabilitation discourses, in recent decades, the DOC has officially indicated in all of its plans and policies that the core missions of the department are: 1) to take the offenders into custody with professional skill and; 2) to rehabilitate the offenders with meaningful and effective activities. The same statement in terms of both rehabilitation and custody has been specified in the annual reports of the DOC (DOC, 1999; 2000; 2001; 2002; 2003; 2004; 2005; 2006; 2007b; 2008; 2009a; 2010a). It seems that the department itself has declared and clearly stated its goals.

However, it is worth mentioning that the control or custody discourse in the Thai context is slightly different in terms of its dominant concerns. While Adler and Longhurst (1994: 41) identified the characteristic features of control, expressing a strong interest in good order and discipline, and the protection of prison staff, in Thailand the control discourse tends to mainly concern the prevention of prison escape besides good order. As clearly stated, since there has been a systematic evaluation under the result based management in 2002, two Key Performance Indicators (KPIs) are normally included in the DOC's official plans: the number of prison escapes and the recidivism rates. The reason for this is that the control of prison

inmates, from the department's perspective, can be considered as successful performance, if the prisons can keep the prisoners in custody and operate smoothly without any escapes.

Furthermore, according to the interviews, the participants in my study described that the sense of 'control' could be linked to the 'incapacitation' or community safety concept, on the grounds that if the inmates were properly locked up behind bars, conformed with the prison rules and could not escape, then the prison was able to restrict their capacity to commit offences against people. A prison director noted that:

'We must perform our major task in keeping them behind bars, and controlling them without prison escapes. At the same time, we must also change them and shape their attitude to be good citizens once they are released. I do believe that the inmates can become better persons if we provide them with treatment programmes. Moreover, our department has a clear policy to rehabilitate them with various kinds of activities...'
(Director of Prison: A)

The quote above could also support the application of the rehabilitation discourse in Thailand. Nevertheless, it seems that the 'normalisation' discourse, which maintains that prisoners will not become worse during their time in prison, is obviously not related to the aims of imprisonment in Thailand. The participants in my research, especially the prisoners, suggested that there were some inmates who were getting worse or changing in a negative direction. Apart from the inmates' viewpoints, the notion of the normalisation discourse was not indicated in any DOC official documents.

To discuss the means discourses, in Thailand, the 'bureaucracy' discourse is clearly prevalent. The DOC is a government agency under the Thai civil service system whose style of work is always recognised as bureaucratic. According to Painter (2005: 2) a standard interpretation of the role and status of the bureaucracy in Thailand has been to view it as 'a focal point of power and influence in the governing process'. It is believed that most government agencies are directly influenced and familiar with the bureaucratic mode. Because of this, the

bureaucracy discourse tends to be connected with the DOC Headquarters, which is similar to Adler and Longhurst's discussion. In Thailand, all duties of the HQ focus on the whole prison system by seeking to achieve fairness, impartiality, uniformity and consistency in the application of rules and procedures. From the Headquarters' perspective, every procedure of correctional work needs to be in accordance with the rules and regulations and must be contained in written documents. Various bureaus and divisions at the HQ issue the Department's official orders and circular notices concerning almost all aspects of prison work for prison authorities to follow. It is believed that these features can produce accountability and uniformity. Furthermore, I shall argue that there is another element of the bureaucracy discourse that has become dominant in the last decade, which is the '*new managerialism*'. According to Carrabine (2004: 110):

The origins of new managerialism are diverse but it represents a means through which the public sector becomes performance oriented in the interests of increased efficiency, less 'big government' and more enterprise. With specific reference to imprisonment this has meant the introduction of privatisation, agency status, key performance indicators and so forth.

In 2002, during a bureaucracy reform, one of the profound changes was that all ministries, departments and government agencies had to be formally assessed and evaluated in respect of their work performances, which was regarded as 'Result Based Management'. In doing this, they were obliged to analyse and set their own agency's missions, responsibilities and, most importantly, ultimate goals in a four-year action plan and yearly policy for the department. Each goal had to provide and describe its KPIs, which indicated different levels of success.

The 'professionalism' and 'legality' discourses might be partly recognised in the administration of Thai prisons. The 'professionalism' discourse could be found in the roles of directors or governors of prisons, whose knowledge and working experience of prisons and prisoners has become increasingly crucial; for example, in 2005, the DOC implemented a 'Knowledge Management' policy, which emphasised that the exchange of work-related

knowledge and the experiences of all directors of prisons should be systematically collected and publicised at the Prison Academy of the DOC (DOC, 2005). Also, the prison directors have gained some degree of power and authority, given by and on behalf of the DG of the DOC, to make decisions on many prison matters. However, this decentralisation has been restricted by the budget, plan and policy, as well as by personnel issues. As will be discussed later in Chapter 6, the professional discourse can also be applied to the prison guards who work in the prisons. This group of staff tend to focus and rely on their working experience, believing that their first-hand knowledge is more practical than the Headquarters' orders.

Interestingly, the 'legality' discourse, which focuses on the rights of prisoners, seems to be gradually being highlighted in the Thai prison system. Respect for prisoners' rights has increased over the last decade due to the trend towards globalisation and the empowering role of new agencies working for the enhancement of prisoners' rights, such as the National Human Rights Commission of Thailand. Because of this, the DOC has circulated many notices to all correctional institutions warning prison staff to perform their duties while respecting the rights of the inmates. It should be noted that the idea of focusing more on prisoners' rights was not originated by the DOC; in reality there was pressure from other agencies asking for cooperation. In addition, both the community and the civil society have gradually become involved in monitoring the work performance of government agencies; for example, nowadays, people, including prisoners and their families, can file cases against government officers through the Administrative Court⁵, if they believe that the government officers have, for example, neglected their official duties or performed such duties with unreasonable delay.

⁵ An outstanding case was the DOC Circular Notice, No. MOJ 0711/796 dated April 20th 2010 informing all prison directors that the DOC was ordered by the Supreme Administrative Court to compensate the amount of 977, 239.80 baht (about £20,000) to the family of an inmate killed by other prisoners in Patthalung Central Prison. The inmate's family accused the prison officers of neglecting their official duties by not searching for the knife smuggled in and hidden in the dormitory that was used to kill an inmate. Because of this, the DOC, as the authority responsible for the work of prison officers, was bound by law to pay the inmate's family the appropriate compensation for the error of its officers.

In brief, the ends and means discourses of Adler and Longhurst (1994) can be connected to the administration of Thai prisons, in particular with respect to control, rehabilitation, bureaucracy, professionalism and legality. There might be some dissimilar aspects, but overall the discourse analysis can reflect some characteristics of the Thai prison system.

In conclusion, existing studies have focused on the impacts of the war on drugs policy, especially the mass incarceration and the disproportionate increase in non-white American drug offenders. In Thailand, the studies on drugs policy during the last decade have often criticised the war on drugs policy and the NARA, B.E. 2545 (2002). Some consequences of the policy have been studied: the positive and negative effects on drug users and government officers. Nevertheless, the effects on the prison sphere have seemingly been overlooked and therefore should be investigated in more detail. As a consequence, the publications on prisons reviewed in the second section have shown that the literature on the sociology of imprisonment⁶ has often been relevant to life in prisons in numerous aspects; inmate cultures, the pains of imprisonment, the relationships between inmates and prison guards, and so on. As such, the sociology of imprisonment can be regarded as the analysis of three spheres relating to prisons and imprisonment, which are separated into different levels: human agency, social relationships and the prison system. These three spheres are closely linked and all have importance in the study of prisons. They are crucial and certainly useful for defining the scope of imprisonment in Thailand, which will be further explored to see whether there has been any impact caused by the 2003 war on drugs policy.

⁶ Although there have been some prison studies in Thailand, I included only several research because of these reasons. First, most of their studies' findings could not be directly linked to my research. In addition, most of them employed quantitative methods, especially by distributing questionnaires which I personally believe that this technique has many disadvantages particularly in the context of Thai prisons. From my experience and data gained from colleagues working in prisons, it is generally difficult to circulate the questionnaires to the research population properly and receive the valid information from the inmates or prison officers.

Chapter 3 Methodology

In Chapter 2 some substantial resources were focused on to develop the research questions and determine the scope of thesis, in terms of which general aspects of prison study can be influenced by drugs policy. The purpose of this chapter is to outline the research methods and the qualitative techniques that were adopted. Furthermore, I will explain the key stages, including the planning period that began in June 2010, undertaking the fieldwork between November 2010 and April 2011, and reviewing some experiences at the end of the data analysis. Besides, the necessary procedures for gaining access to conduct the fieldwork in Thai prisons will be briefly elaborated, which will be useful for any person who wishes to do prison research in Thailand.

It could be argued that prisons and correctional institutions are some of the toughest places to carry out fieldwork especially in terms of the difficulty in gaining access. According to Martin (2000), prison is a difficult world to enter even before one arrives at the prison gates. Individuals are not allowed inside a prison simply because they want to get inside, for whatever reason. On the contrary, because of these particular difficulties, prison seems to be a social setting that has many remaining aspects and stories that are yet to be discovered by researchers.

3.1: Planning stage

During the planning stage, there were several issues to deal with, from the design of the research methods to the identification of the participants and the target correctional settings for carrying out the fieldwork. Some formal documentation and preparatory procedures were involved, in particular, making the written requests to gain access to do the research in the prisons. Furthermore, in my case, as a scholarship student from the Royal Thai Government,

there was an additional process of officially informing the Office of Educational Affairs and the Royal Thai Embassy in London, to approve the plan to collect data in Thailand. The reason for this was that they had to acknowledge my temporary absence from the U.K. during the months of the fieldwork.

It is worth noting that although I received a scholarship from the Royal Thai Government to study for a doctoral degree in the U.K., I was given freedom of choice regarding the research. The only condition specified was that my thesis must be relevant to or in the sphere of drugs or crime policy. As such, apart from the fact that I had to give the OEA and the Office of the Civil Service Commission a formal report on the progress of my study and thesis every year, they did not interfere with any part of my research.

3.1.1. Research methods

Generally speaking, the study was planned to use qualitative methods composed of documentary analysis, observation in prisons, and interviews with people involved in the Thai correctional system. It is believed that the use of different methods, to study the same phenomena, can be immensely valuable:

Observational techniques combined with interviewing and documentary research allow the research to start with some preliminary observation, move into the interview phase whilst conducting the documentary research alongside, and conclude with more observation (Martin, 2000: 225).

3.1.1.1. Documentary analysis

Owing to the fact that my research was involved with drugs policy, which had already been implemented in 2003, the examination of written documents was essential. Excluding the official policy on drugs formulated by the Royal Thai Government and the policy of the DOC, many publications, articles and other written material, together with prison population

statistics, were studied before, during and after the field research, in order to better understand the drugs war policy concepts, the sociology of imprisonment and the prison system in Thailand. Nevertheless, some of these documents needed to be translated into English since most of this information was only available in Thai. As a result, the documentary analysis tended to take longer due to the translation.

3.1.1.2. Field research

As Piacentini (2004) argued, the majority of prison research in the U.K. focuses on developing a social analysis of the allocation and administration of imprisonment. The methodologies are based on being in the field: semi-structured interviews with a sample number of prisoners and staff; observational research; surveys and one-to-one desk interviews. In my research, I also applied some of these methodologies.

In her fieldwork in Russia, Piacentini (2004: 10) raised a crucial question: 'Are the competencies and skills that are recognised as practical guides in Western field research in prisons useful and, indeed, relevant in non Western research settings?' I found her point very intriguing. While I thought that the in-depth interview and observation techniques used in various prison studies in the U.K. would be of great benefit to my research, I found that some features could not be totally applied in the Thai context. For example, the researcher could not move freely inside the prisons to make observations or have conversations with the prisoners. Also, I was quite astonished to know that in some studies, the prison guard had given the key to the researchers. More surprisingly, some researchers had gone inside the prisons at night-time. These practices are almost impossible in Thailand. Consequently, although my field research can be divided into two parts, observation in correctional facilities and semi-structured interviews, these did not follow exactly the same pattern used in the Western

prison research. Both the observation and in-depth interview techniques in this thesis were adapted to fit with prison research in Thailand.

To be more specific, the full access, which tends to be given to the prison researchers in the western countries, was not granted to me by the Thai authority. In reality, there were several limitations of the access that was negotiated due to pattern of prison research in the Thai context in particular some of these restrictions. First of all, the research must be conducted during office hours (between 08.30 – 16.30hr). On top of that, the free movement inside Thai prisons was not allowed in any cases without permission of prison guard. In each fieldwork, the place for interviews was designated by the prison authority. It was absolutely restricted for me to walk to other zones without being accompanied by at least an officer all the time. In the second place, the length of my fieldwork in each correctional facility was negotiated. The plan to spend a month doing fieldwork in each prison was changed to spend only ten days at most. Many prison staff believed that the interviews with ten participants in their prisons could be completed within several days and I should be in the facilities only when having the schedule for the interviews. In addition, the access to participants, both inmates and prison staff, was limited in terms of the fact that I could not specify or give a particular list of people I would like to interview. However, I was still provided with the participants complying with the fundamental requirements for being my interviewees.

Initially, the field research was planned to be undertaken in Thailand over a period of between three and six months, depending on the number of correctional facilities which were available for conducting of research. Nonetheless, in reality, I spent about five months conducting the field research in four correctional facilities, starting in November 2010 and finishing in April 2011. Further discussion and more details on this topic can be found in the following sections of this chapter.

3.1.1.2.1. *Observation in correctional facilities*

Observation is one of the most important ways of collecting data in social research (Thomas, 2009). Researchers can watch and look for particular kinds of behaviour as well as record important facets of the social phenomena that they observe. According to my initial plan, the '*soaking and poking*' technique, or the method of spending a period of time observing and making notes about what goes on (Dilulio, 1987 cited in Sparks et al., 1996), would be employed in four correctional establishments, where the semi-structured interviews would also take place. The duration of observation at each facility was planned, in the first instance, to be approximately one month.

3.1.1.2.2. *Semi-structured interviews*

Semi-structured interviews provide 'a combination of a structure or list of issues to be covered together with the freedom to follow up points as necessary' (Thomas, 2009:164). The advantage of this method is that the discussion can be prolonged on points about which the researcher wishes to know more. However, it is important to make an interview schedule or list of issues that the researcher wants to cover. In my research, the aim of the interviews was to understand and discover the impact of the war on drugs on imprisonment in Thailand. As such, it was planned to conduct interviews with four groups of people: the prison inmates; the correctional staff; the prison directors; and the Director Generals. The population and sampling, in particular that of the first two groups, was focused on people who had been imprisoned or had worked for prisons since the implementation of the war on drugs policy in 2003.

I chose to use face-to-face interviews because I believed this would provide the richest data: the subjects could be asked to clarify their answers at any time and they could ask me to clarify my questions as well, if necessary. Moreover, their reactions, body language and facial expressions could be evaluated alongside their spoken answers, to help me decide whether

they were hesitating or uncomfortable, either with the questions or in giving their replies.

According to Bachman and Schutt (2003: 215):

In-person interviews have several advantages over other types of surveys: they allow for longer and more complex interview schedules; monitoring of the conditions during the interview; probing for respondents' understanding of the questions; and higher response rates.

One disadvantage of using in-person interviews is that they take a lot of time. Because of this, the in-person interview is not always the best way to gather data from a large group of people, unless many interviewers are available to conduct the interviews. Secondly, in situations where the interview is not conducted at a location of the interviewer's choosing, or where the interviews need to be conducted in many different locations, the cost of transportation may be prohibitive.

3.1.2. List of prisons/ correctional institutions

During the planning stage, a list of prisons was made and these were targeted as places to carry out the fieldwork in Thailand. Among the 143 prisons and correctional institutions, which can be classified into seven categories (see Table 1.2), the list comprised a total of four correctional facilities: three of them were men's prisons and one was a women's institution. The choice of the prisons for study was initially selected by judging firstly the ability of each correctional facility to reflect the overall picture of the prison system and drugs policy in Thailand; secondly, the reasonable possibility of gaining permission to get inside; and thirdly, the distance to travel from Bangkok to conduct the research. At first, the list of target prisons was composed of: 1) The Central Correctional Institution for Drug-addicts: CCID (Bangkok), 2) Nakornprathom Central Prison: NCP (Nakorn Prathom Province), 3) Thonburi Remand Prison: TRP (Bangkok) and 4) The Women's Correctional Institution for Drug-addicts: WCID (Phatumthani Province).

However, it is worth noting, that in the end I had to change my plans regarding some of the target prisons for several key reasons. First of all, my colleague at the Centre of Prisoner Statistics, Planning Division, had checked the online data system of prisoners in my list of prisons and found that some of these prisons did not have enough prison inmates who matched the research population and could be interviewees. To clarify, the most basic criterion for selecting the research participants was that they must have been in prison before the declaration of the war on drugs policy in February 2003. Because of this, inmates who were able to participate in my research must have received at least a seven or eight year prison sentence, if the fieldwork was to be conducted between 2010 and 2011. Having said this, the problem was that some prisons, for example Thonburi Remand Prison, did not have a large number of this particular group of prison inmates. Although the prison's official power and responsibility was to detain both convicted and un-convicted prisoners whose sentence terms were less than fifteen years, in reality at that time, the majority of its prisoners were either awaiting trial or on remand, or were convicted inmates with shorter sentences. Moreover, Nakornprathom Central Prison was later taken out of the list because of the higher travelling expense, due to the increase in oil prices. The distance between Nakornprathom Province and Bangkok is about fifty-six kilometres. For these reasons, I eventually decided to update the list of target prisons as in the following Table 3.1.

Table 3.1 List of prisons/ correctional institutions to conduct a fieldwork

Prison/ Correctional Institution	Security Level	Power and Responsibility⁷	Type of Prisoner	Number of Prisoners (as of 1st November 2010) (DOC, 2010b)
Bangkwang Central Prison (BCP)	maximum	responsible for custody and treatment of inmates sentenced to at least 15 years of imprisonment and up to the death penalty	Convicted and un- convicted male prisoners sentenced for all types of offences	4,093

⁷ The power and responsibility are in accordance with the DOC Circular Notice No. MOJ 0705/C. 40 (subject: 'The Custodial Authority of Prisons and Correctional Institutions in the Kingdom of Thailand').

Klongprem Central Prison (KCP)	maximum	responsible for custody and treatment of inmates sentenced to at least 15 years of imprisonment and up to the death penalty	Convicted and un-convicted male prisoners sentenced for all types of offences	5,806
The Central Correctional Institution for Drug-addicts (CCID)	maximum	responsible for custody and treatment of inmates sentenced to imprisonment and up to life imprisonment	Convicted and un-convicted male prisoners sentenced for drug offences	5,569
The Women's Correctional Institution for Drug-addicts (WCID)	medium	responsible for custody and treatment of female inmates sentenced to not more than 10 years of imprisonment	Convicted female prisoners sentenced for drug offences	1,481

Sources: Centre of Prisoner Statistics, Planning Division and Bureau of Penology, DOC.

In fact, there was a specific reason why I did not choose some of the prisons in the earlier list. Both BCP and KPC were obviously considered to be maximum security prisons, which have more security measures and, therefore, would be harder to gain access to.

It is worth noting that I did not select the sample from each group of seven prison categories in Thailand because my research needed a purposive sample. According to Ritchie, Lewis and Elam (2003: 78):

The purposive sample units are chosen because they have particular features or characteristics which will enable detailed exploration and understanding of the central themes and puzzles which the researcher wishes to study. These may be socio-demographic characteristics, or may relate to specific experiences, behaviours, roles, etc.

Therefore, BCP, KCP, CCID and WCID were chosen with the purpose of representing prisons in relation to a prison study on both imprisonment and the war on drugs issues. In other words, these four prisons were well suited to the purposes of my study.

To explore imprisonment and prison life in Thailand, these three men's prisons had essential characteristics. First of all, they are huge key facilities, which detain a relatively large number of prisoners compared to other prisons. In fact, they have often been on the list of the top five

maximum security prisons with the largest prison populations in the country⁸. In addition, in terms of the war on drugs policy issue, these three male prisons could well represent the policy impacts. The CCID is at present one of the most important prisons because of the many high profile and influential drug dealers who in custody there and its power and responsibility are specifically to detain prisoners in connection with drug offences. The BCP and KCP are good examples of large maximum security prisons that provide custody for prisoners who have committed both drug and other types of offences.

The WCID is the only correctional establishment in Thailand where all of the inmates are female drug offenders. In general, female drug offending inmates are dispersed, and are in custody in the district, provincial and central prisons where both male and female prisoners are confined in the same prison but in separate areas or units.

More importantly, these four prisons had a sufficient number of participants who had either been imprisoned or working behind bars, prior to February 2003. The reasons why I targeted this group of prisoners and prison guards were that they were in the best position to be able to identify how their lives and experiences had been shaped after the war on drugs. However, I did not intend to describe my study as 'before and after' research because this requires various controlled variables and, more importantly, the main purpose of my thesis was not to thoroughly evaluate the war on drugs policy. The strength of selecting this group of participants was that they had been behind bars for at least or longer than ten years. Consequently, they could acknowledge and understand the changes that had happened in their lives and experiences, as well as how the prison community had been influenced by the 2003 war on drugs.

⁸ For example, according to the official statistics on October 1st 2011, the five men's prisons with the largest prison populations were: (1) The Central Correctional Institution for Drug-addicts (CCID) 6,320 (2) Thonburi Remand Prison (TRP) 5,683 (3) Klongprem Central Prison (KCP) 5,519 (4) Bangkok Remand Prison (BRP) 4,990 and (5) Bangkwang Central Prison (BCP) 4,370 (DOC, 2011).

3.1.3. Gaining access

As previously mentioned, conducting research in prison seems to be relatively hard, due to the need to gain access, compared with social research in other settings. Prison is not a place where any person can go inside easily. Because of this, the gatekeeper is very significant. According to Hugh (2000: 239):

Gatekeepers may be defined as those individuals in an organisation or another social situation who have the power to grant or withhold access to people or situations for the purposes of research.

Normally, the gatekeepers must be clearly identified at the planning stage especially when the research seems to have more than one gatekeeper, because ‘the researchers need to present themselves and their projects to potential gatekeepers’ (Noaks and Wincup, 2004: 57). In some cases, there might be influential gatekeepers at a national or local level, depending on the scope of the study. For example, in England and Wales, it is argued that in prison research, the gatekeepers are usually HM Prison Service and the Governors, at the national and local levels respectively (Noaks and Wincup, 2004). For my study, I consider the DOC to be the major gatekeeper. Although the prison directors might be directly involved in gaining access to conduct fieldwork in their institutions, the DOC possesses the absolute and highest authority to give or refuse researchers access to the prisons.

Interestingly, although I worked for the DOC, it seemed that I did not gain access any more easily than other researchers. I had to go through the same process as other prison researchers because the DOC has a formal procedure that any person conducting research in prisons/correctional institutions must complete. Similar to other agencies that are research gatekeepers, in order to be granted access, the research project needs to be at least acceptable to the agency, and preferably perceived as beneficial to them. Some institutions and organisations may insist that researchers complete an application form as part of their formal

procedures for requesting permission, while others are happy for researchers to send a letter and a short research proposal (Noaks and Wincup, 2004).

In my case, my personal advantage in being on the DOC staff at the HQ was not used to take a short cut, because I wanted to be clearly and properly positioned in this study as a real researcher without taking a side. It is crucial to make some clarification of 'not taking side' although it is argued by Becker (1967) that it is impossible for the researchers to be neutral and they cannot avoid taking sides.

I propose to argue that it is not possible and, therefore, that the question is not whether we should take sides, since we inevitably will, but rather whose side we are on (Becker, 1967: 239).

My study attempted to investigate the stories of both prisoners and of prison staff discussed in the different Chapters 5 and 6. Hence, it was not a situation to take side between prisoners and prison staff. Nevertheless, linked to Becker's argument, while many studies tend to position the opposite groups: the prisoners as the subordinate class and the prison officers as the superordinate faction, this thesis actually takes side on the prisoners and prison staff together as the subordinate parties and the government or the authority who declared the WOD policy as the superordinate group.

With regard to the fieldwork preparation, I fully realised that my job as an officer at the DOC could obviously have a negative effect on my interviews with the prison inmates, particularly a potential lack of trust. Besides, Crewe (2009) noted that prisoners are much more likely to open up to people who treat them as equals. In fact, inmates seem to be willing to share their experiences with researchers, but not with officers. Therefore, I tried to eliminate any chance of being identified as a DOC officer. Nevertheless, during the interviews with prison officers, two of them remembered that I worked at the DOC as we once attended the same training

courses at the Ministry of Justice and at the Correctional Staff Training Institute, widely known as the Prison Academy. As for other officers, some of them might have found out later during the conversation.

The prison staff tended to talk openly when they realised that I worked at the DOC because they felt to some extent that I was one of their colleagues, who understood their working lives and experiences quite well. This could also help in reducing the occasional hostility of the staff, which is one of the problems for prison researchers (Sparks et al., 1996). According to Dwyer and Buckle (2009), insider role status, in which a researcher shares the characteristic, role or experience under study with the participants, frequently allows researchers more rapid and complete acceptance by their participants. Therefore, 'participants are typically more open with researchers so that there may be a greater depth to the data gathered' (Dwyer and Buckle, 2009: 58).

While I tended to be perceived as an insider by the prison guards, I did not consider my status to be that of an insider in this research although I am a member of the DOC staff. The major reason for this is that I have never worked in prisons before. Thus, I have never shared the same experiences in how to deal with prisoners, or the everyday practices inside the prison walls. This notion is significant and indeed beneficial to my research as my findings were interpreted without the influence of personal bias.

Another clear benefit of being a DOC officer was that I knew perfectly well all of the steps in the process, as well as some aspects of the organisational cultures such as the bureaucratic red tape. As such, I could properly prepare all of the necessary details since I was still in the U.K., and I went through the process without any problems due to insufficient documents and letters.

Considering the formal process to gain access, according to the Circular Notice of the DOC No. MOJ. 0713/C. 44 dated July 11th 2005, the Director of the Bureau of Penology can act on behalf of the Director General in examining and considering the outline of research requests from individuals/ students/ researchers and other agencies, and whether they are relevant to the work of the DOC. Various issues are focused on, including ethics, the safety of the researcher, conformity to the prison rules and regulations and so on. Then, after gaining approval for the research outline from the Bureau of Penology, directors of prisons who rank level 9 and above, can act on behalf of the DG in giving individuals permission to conduct research in their establishments. In short, the steps to gain access to conduct my research are summarised in Table 3.2:

Table 3.2 Steps to request and gain access to carry out research in Thai prisons

Step	Process	Responsible Agency
1	Submitting the request letter with: <ul style="list-style-type: none"> - the outline of the research - a formal letter from the Department of Sociology signed by my supervisor confirming the objectives of the study - some examples of interview questions 	Bureau of Penology
2	The request was considered by the Bureau of Penology on behalf of the DOC. (In the case that it needs further and final judgment, the letter is forwarded to the DG to make a decision.) The official letter giving permission to conduct the research was sent back. A copy of this letter was also sent to the prisons where the research would be taking place.	Bureau of Penology
3	Submitting the same set of documents to the target prisons by attaching the permission letter from the DOC. At this stage, the exact date and period of time for carrying out the research were clearly indicated.	Prisons

This schedule was only planned for the interviews with the prison inmates and prison officers, as I realised that it would be quite difficult to make appointments with the prison directors during the same period of time that I was conducting fieldwork in their prisons. Hence, I reserved about a month to conduct the interviews with the four prison directors and another month for the appointments with the former DGs of the DOC.

Regarding a pilot study, which is considered as a preparation process, many prison researchers have completed pilot work before beginning their main fieldwork. For example, Crewe (2009) carried out a two-month pilot study at HMP Stafford where he was able to familiarise himself with the environment. Piacentini (2004) also conducted a pilot trip at the prison service military barracks at Ryazan where she could observe the Russian culture, which allowed her a degree of interpretation in how to manage the research project. Moreover, Sparks et al. (1996) undertook four months of pilot work at Wakefield Prison, where they observed and chatted with prisoners and staff, and asked questions. The advantages were that they learned a new vocabulary of technical terms: acronyms, argot, terms of abuse and affection. Also, they could 'refine their interview technique and formulate viable interview questions for the main study' (Sparks et al., 1996: 346).

Although it has been clearly seen that pilot work is potentially beneficial to prison research, it seemed impracticable in my case to undertake pilot work in Thai prisons for several reasons. In the first place, there was a major problem with regard to working on a pilot study as the research population was a group of inmates who had been incarcerated before the war on drugs policy was declared in 2003. To put it simply, the target prisons were those incarcerating inmates sentenced to more than seven years of imprisonment, who would still be imprisoned in correctional facilities at the moment I carried out the fieldwork. When looking for appropriate places to do the research, it was found that only about seven prisons fulfilled the criteria, which were all maximum security prisons. Two of them were situated quite far from Bangkok. Among the five accessible prisons, three were men's prisons and two were women's prisons. The point was that as all three men's prisons and one of the women's prisons had already been chosen as the main research sites, only one women's prison would be available for doing a pilot. However, the pilot work in a correctional institution for female offenders might not have been able to examine the actual prison environment and might not

have provided good preparation for the main fieldwork. On top of that, a real difficulty was the limited time available for pilot work.

Accordingly, the possible pilot work that I could do was to ask a group of my Thai colleagues working at the DOC Headquarters to take part in a role-playing exercise, in which they performed as if they were my interviewees: the inmates, the prison staff, the prison governors and the Director Generals. At least, this could give a practical test of the interview questions, to see whether they were valid and understandable. Besides, it could provide me with common examples of possible answers and useful guidelines for further probing or follow-up questions.





3.2: Doing the fieldwork

It is worth mentioning that I have been working at the DOC Headquarters since October 2004, and I have been inside prisons many times. Therefore, prison was not a totally strange place for me but there were, however, some unfamiliar elements. Firstly, as an officer of the DOC, I had never been in prisons for more than two hours at a time and I have never visited the same prison more than two days in a row. Furthermore, I had never conducted interviews with long-term sentenced prisoners before. During my master's degree, I conducted interviews with some prisoners who were participating in a boot camp treatment programme at a military camp, who were actually about to be released. All of these new experiences aroused in me various feelings of nervousness and excitement. More importantly, I was not sure if they would agree to give interviews or whether they might be unwilling to talk with me. As Shaffir and Stebbins (2003: 2) stated, for most researchers 'the day-to-day demands of fieldwork are fraught regularly with feelings of uncertainty and anxiety'. Overall, the process of doing fieldwork could be highlighted as follows:

3.2.1. Observation and interviews

At the beginning, an unforeseen problem regarding the length of the fieldwork emerged. From the prison authority's viewpoint, the one-month period of fieldwork was too long and unreasonable. As a result, I would only be allowed to be in the prisons when it was necessary (see section 3.3 for more detail). After discussing all of the relevant issues with the staff at the four prisons: BCP, KCP, CCID and WCID, they insisted that it would be quite dangerous for me to be inside for a month and they were very concerned about my security. The major reason for this was that most were maximum security prisons and the staff would have to work harder in order to make sure that I was safe until my fieldwork was finished. Another possible reason, in my view, was the severe crisis over the smuggling of mobile phones and contraband into prisons. Under these circumstances, the prison staff did not want to take more risks by letting outside people be there for a long time, as this could be a channel to facilitate the contraband smuggling. For these reasons, I had to negotiate with them and I asked to go inside each facility for a maximum of ten days in a row, conducting interviews with one participant per day. Table 3.3 shows the final fieldwork schedule in all four prisons.

Table 3.3 Final fieldwork schedule

Process	November 2010 – April 2011																	
	Nov2010			Dec2010			Jan2011			Feb2011			Mar2011			Apr2011		
Observations and interviews in Bangkwang Central Prison (BCP)																		
			(19 Nov 2010 – 02 Dec 2010)															
Observations and interviews in Klongprem Central Prison (KPC)																		
					(16 Dec 2010 – 29 Dec 2010)													
Observations and interviews in The Central Correctional Institution for Drug-addicts (CCID)																		
								(17 Jan 2011 – 28 Jan 2011)										
Observations and interview in The Women’s Correctional Institution for Drug-addicts (WCID)																		
												(23 Feb 2011 – 01 Mar 2011)						

well as the WCID, where the prison library was actually opposite to the inmates' sleeping halls.

3.2.2. Interviewees

My fieldwork involved a total of forty-six interviewees: twenty inmates, twenty prison officers, four directors of prisons/correctional institutions and two current and former DGs of DOC. Each interview lasted approximately one and a half to two hours, except for the interviews with the prison directors and the Director Generals, which took roughly thirty to sixty minutes due to their overwhelming duties and tight schedules. In fact, the interviews with those considered '*the executives*' were difficult in terms of actually arranging them. My fieldwork schedule had to be delayed because they were busy and I spent several weeks making appointments with them.

3.2.2.1. Prison inmates

Regarding the inmates, all of them had been imprisoned for drug offences before the declaration of the war on drugs by the Thai government in 2003 (see Table 3.4 for the characteristics of prisoners). The inmates selected for the interviews varied depending on the proper consideration of each prison. For example, in the case of BCP, the prison guards asked the inmates in each unit who met my key requirement (having been in prison before 2003) if they would consent to give an interview, while at KCP and CCID, the officers checked the inmates' profiles and randomly chose them without explaining any details to the inmates. For this reason, all of them were very surprised when they came to talk with me because they did not know anything about my research.

The interviewees consisted of twenty prison inmates from four correctional institutions (five inmates from each prison). There are some aspects regarding background information that should be described in this part. Firstly, among the twenty interviewees, there were five

female inmates from the Women's Correctional Institution for Drug-addicts while the others were fifteen men from BCP, KCP and the CCID. All of them had been sentenced for drug offences or crimes against the narcotics control laws, in particular drugs possession for sale offence.

Although they were all drug offenders, there were some fundamental differences in the types of drugs and characteristics of their offences. To illustrate, seventeen inmates (85 per cent) had been involved with '*methamphetamine*', while one had been accused in relation to '*ecstasy*' and the remaining two in association with '*heroin*'. In addition, all twenty prisoners had been charged with '*drugs possession for sale*', and eight of them (40 per cent) were also drug users.

Regarding their sentences, four of them (20 per cent) had at first faced the death penalty, which was later reduced to life imprisonment by the Supreme Court. The majority of the interviewees' prison sentences were between sixteen years and life imprisonment, while six of the inmates had been sentenced to serve between eleven to fifteen years in prison. Among the interviewees, one inmate must be considered as unconvicted as he was still awaiting a hearing at the Supreme Court. Having said this, his sentence had been reduced from the death penalty to life imprisonment by the Court of Appeal.

Table 3.4 Characteristics of all twenty prisoners participating in the interviews

Type of Offence	Status	Type of Drugs	Sentence/prison sentence term	Number of years having been served in prison (approx.)
Narcotics	Convicted	Heroin	life imprisonment	10
Narcotics	Unconvicted	Ecstasy	life imprisonment (awaiting trial)	8
Narcotics	Convicted	Methamphetamine	life imprisonment	11
Narcotics	Convicted	Methamphetamine	40 years	10
Narcotics	Convicted	Heroin	life imprisonment	18

Narcotics	Convicted	Methamphetamine	20 years	11
Narcotics	Convicted	Methamphetamine	life imprisonment	11
Narcotics	Convicted	Methamphetamine	33 years	12
Narcotics	Convicted	Methamphetamine	25 years	10
Narcotics	Convicted	Methamphetamine	life imprisonment	9
Narcotics	Convicted	Methamphetamine	12 years	7
Narcotics	Convicted	Methamphetamine	50 years	8
Narcotics	Convicted	Methamphetamine	15 years	9
Narcotics	Convicted	Methamphetamine	31 years	10
Narcotics	Convicted	Methamphetamine	22 years	10
Narcotics	Convicted	Methamphetamine	13 years	9
Narcotics	Convicted	Methamphetamine	15 years	9
Narcotics	Convicted	Methamphetamine	24 years	11
Narcotics	Convicted	Methamphetamine	life imprisonment	12
Narcotics	Convicted	Methamphetamine	36 years	10

Furthermore, the prison inmates had been in prison for various periods ranging from seven years to eighteen years. With regard to their remaining sentence time, seven interviewees were to be released within the next five years, while five were to complete their terms in ten years and three in fifteen years. The remaining five inmates were to stay behind bars for at least fifteen years and some had been sentenced to life imprisonment. Interestingly, the twenty interviewees had been incarcerated inside eighteen of the 143 correctional institutions in Thailand. The CCID was the most frequently visited prison by the participants, as twelve of the prisoners had served time there in their prison lives. BCP and KCP were the second most visited places, in which seven of the inmates had served time.

In terms of the prison inmates, half of them had been transferred and had stayed in three or four prisons. As for the others, one prisoner had been in five correctional institutions already, while the remaining nine had been sent to one or two prisons. Because of this, it seemed that the participants could reflect on prison life and compare the similarities and differences between the Thai prisons very well.

Looking at their social backgrounds, 60 per cent were from Bangkok, the capital city of Thailand, whereas the others had grown up in different provinces in northern, southern, eastern and central parts of the country. Although some of the interviewees could study and obtain a Bachelor's Degree inside the prisons, in terms of their education prior to imprisonment, most of them had not gained the university degrees, but had completed other lower education levels, such as a vocational certificate, a vocational diploma, a diploma from primary or secondary high schools and a diploma in the Buddhist theology from a temple.

When I asked them the reasons why they had committed their offences, there were typically three answers: persuasion by friends was most frequently mentioned; an immediate need for money; and, a combination of the first two reasons. Intriguingly, with regard to the female inmates, all of them mentioned peer influence, either by friends or boyfriends. Another interesting point with respect to the interviewees was that four of them (20 per cent) were recidivists, meaning that it was not their first time in prison. One inmate was in a correctional institution for the third time, while another prisoner had committed a previous drug crime when he was still a juvenile. Among the five female prison inmates, only one of them was reconvicted (20 per cent).

More importantly, it was found that three of the male inmates insisted that they were innocent. In fact, they claimed that they had not committed the crimes but for some reason they were arrested by police officers. One of them told me that *'I was just at the wrong place at the wrong time...'*

'I didn't do it, honestly. That day, I remember that my old best friend called me and asked me to visit his house in Chainat Province with him. I decided to go there because I hadn't seen him for a long time, more than five years, and I also had a plan to go to Chiangmai Province, which could take only a few hours from Chainat. This completely changed my life, you know? When we arrived at Chainart, my friend dropped me at his house and went to do his "unknown" business. So, while I was waiting for him at his house, I went to sleep for one or two hours; then a group of policemen came to the

house and arrested me... The truth is that my friend was a drug dealer. I was stunned and speechless because I had never known before. This was my mistake. He went to sell drugs while I was sleeping at his house. Unfortunately, he was arrested so the police came to investigate and search his house. The police officers did not believe that I was innocent...That's why I told you that I was just an unlucky person who was at the wrong place at the wrong time..." (Inmate: C)

In my view, it is beyond my rights to judge whether or not his story is true. My role as a researcher is to interpret the data, particularly in respect of how the drugs war policy has influenced the inmates' lives. Condry (2007), who studied the consequences of crime for the relatives of serious offenders, made a similar comment in her book:

It has not been the purpose of this book to judge the accuracy of those stories or to try to ascertain whether relatives were telling the truth about their family lives, the offender, and the reasons for his or her crime. My interest has been in how relatives constructed their lives, how they made sense of what had happened, and how they incorporated events into their own self-narratives (Condry, 2007: 186-187).

As such, during the interviews, I tended to listen calmly to their stories without trying to detect whether they were saying something that was not true.

3.2.2.2. Prison officers

The prison officers who participated in the interviews comprised fifteen male staff and five female prison officers. The majority of them (90 per cent) performed custodial tasks, either working as Unit Chief, Deputy Unit Chief, Director of a Custodial Unit, or as officers (see Table 3.5). Interestingly, their social backgrounds, in terms of their hometowns, were very varied as they came from eighteen different provinces in all regions of the country. Eleven of them (55 per cent) started their prison work with educational qualifications lower than Bachelor's Degree level. They had vocational diplomas and certificates or were high school graduates. However, some of them (25 per cent) had decided to study further for a Bachelor's Degree, Master's Degree or Ph.D. later on.

Table 3.5 Characteristics of all twenty prison officers participating in the interviews

Current position	Number of years having been working with DOC/prison	Number of prisons having been working with	Previous job (if any)
Chief of prison unit	28	3	Security guard
Chief of prison unit	30	2	Temporary employee at Department of Lands
Chief of prison unit	24	3	Accountant in a private company
Chief of prison unit	30	3	-
Chief of prison unit	25	2	Employee in a private company and temporary employee at DOC
Deputy Chief of prison unit	26	2	-
Officer in custodial unit	10	1	-
Officer in custodial unit	23	3	Employee in a private company
Officer in custodial unit	28	1	-
Officer in custodial unit	11	1	Merchant and temporary employee at Ministry of Labour
Chief of prison unit	30	2	-
Chief of prison unit	12	3	Buddhist Monk
Chief of prison unit	33	1	Employee and a painter
Chief of prison unit	10	2	Navy soldier
Director of Custodial Unit	17	2	Army soldier
Officer in custodial unit	12	1	Employee in a private company
Officer in custodial unit	12	1	Employee in a private company
Officer in educational training unit	16	1	Teacher
Officer in educational training unit	15	1	Teacher
Officer in custodial unit	14	2	Working in a factory

As for work experience, half of them (50 per cent) had been working for the DOC for more than twenty years and 60 per cent of the participants had worked for more than one prison.

Considering the selection of the prison officers, this was mostly based on their consent because most of them had been working for the DOC for quite a long time before the implementation of the war on drugs policy; but, at BCP, the chiefs or heads of each prison unit were asked by the Director of The Custodial Unit to participate in the interviews. In contrast to the inmates, most of the prison staff whom I interviewed tended to have read the interview questions and the brief research outline before the interview commenced, because all of these documents had to be handed to prison authority for prior approval.

At the first three prisons, the normal schedule for conducting the interviews started with the interviews with the five inmates, on five consecutive days, followed by the interviews with the five officers (one interview per day). Usually the interviews were conducted in the morning, around 9.30 am, and finished before 12.00 pm. Nevertheless, the pattern was different at the WCID because of the fact that it was in Pathumthani Province, about forty kilometres away from Bangkok. Because of the distance, I was unable to afford the travel expenses to go there every day for ten days. I decided to conduct two interviews per day, one with an inmate in the morning and one with a prison officer in the afternoon, or vice versa according to the arrangements of the prison authority.

I followed a similar process in each interview, starting with introducing myself as a Ph.D. student in the U.K. who wanted to do research on the impact of the war on drugs. Some brief information and details on the research objectives were explained. Then the interviewees were asked whether or not they were willing to participate in the study. If they agreed, they were handed the consent form to be signed before the interview started. The actual interview was divided into two parts: a life-history interview to start with, followed by a prison interview. The life history part was generally about the interviewee's background, including their childhood, their family life, their criminal career (prisoners) and their work experience

(prison staff). This part of the interview could help to lessen the interviewee's sense of talking to a stranger, and give the interviewer a chance to get to know the interviewee's background better. After that, the interview questions were asked in accordance with the schedule.

Crucially, it should be noted that two issues were highly emphasised to all of the interviewees during the interviews: their consent and confidentiality. According to Noaks and Wincup (2000: 45):

Achieving informed consent is commonly promoted as a fundamental guiding principle for an ethically informed approach which refers to research conducted in such a way that participants have complete understanding, at all times, of what the research is about and the implication for themselves in being involved.

Besides their consent to give the interview, the participants were also asked for their permission, to record the interview using a digital audio recording device. All of my interviewees were informed of their right to tell me to pause the audio recorder at any time in case they wanted to discuss particularly controversial issues but were unwilling or felt uncomfortable having their voices recorded, together with the option to skip questions or refuse to answer any questions which they did not want to respond to. During the forty-six interviews, there were some moments when the interviewees – both prison inmates and prison officers – asked me to stop the recorder.

Concerning privacy and confidentiality, assurances regarding confidentiality were important, including taking care when handling the data to ensure that breaches did not occur. It is the responsibility of the interviewer to ensure that 'data (for example, field notes, interview schedules and audio tapes) are adequately protected' (Noaks and Wincup, 2004: 85). Also, at the start of every interview, the researcher made quite clear to the subject, the rules on confidentiality, so that the prisoner or the staff member understood exactly 'what s/he can safely reveal without the danger that unwelcome action will be taken against them' (Martin,

2000:229). As such, excluding the two Director Generals who were actually public figures and willing to be identified, during my fieldwork all of the interviewees were assured that I would be the only person listening to the conversations and accessing the research material. Some basic principles of interviewing were summarised by Tony Parker, one of which stated that before starting the interview, a researcher should reassure the interviewee that no one else besides the researcher is going to hear the tape (Soothill, 1999). Moreover, the participants' names and personal information would definitely not be revealed. This is the principle of anonymity:

The protection of the identity of participants by ensuring that the participant's name and any other personal information that would enable a third party to make the link between the data provided and the person who provided it is not made known (Finch and Fafinski, 2012: 286).

In fact, throughout each interview, I did not ask or call out the participant's name but rather called them '*pee*' or '*nong*' (which means either '*brother*' or '*sister*') or '*loong*' (which means '*uncle*'), depending on their apparent age, and whether they were younger or older than me. This is a typical way in which Thai people address each other when they have a conversation.

According to Tony Parker's principles of interviewing, there is a regular pattern of asking two questions at the end:

(1) 'Is there anything on the recording that the interviewee does not want him to use?' and (2) 'Is there anything the interviewee would like to add to or explain more fully?' By so doing, it is noted that it will put the interviewee more at ease, and it is a useful way of indicating to the interviewee that the interview is ending (Soothill, 1999: 238).

Similarly, at the end of all of the interviews, the participants were asked whether they wanted to discuss any points further or ask any questions. This could help interviewees to feel that their opinions were always welcome.

3.2.2.3. Prison directors and Director Generals of The Department of Corrections

These two groups could be considered as the executives of the DOC. Regarding the prison directors, they were all the directors of prisons or correctional institutions where the fieldworks were conducted. One of them was female as she was the Director of The WCID, while the others were all men. It should be noted that at BCP, the prison director at that time was unable to participate in the interviews, as his schedule was very busy. Consequently, he assigned the Director of the Custodial Unit to give the interview on his behalf. Normally, apart from the prison director, the Director of the Custodial Unit is considered to be the second highest ranking position in a prison and is often assigned to act on behalf of the prison director to do important tasks while the director is away.

The DGs of the DOC consisted of two people. The first was the former DG, Mr. Nathee Chitsawang, who occupied this position for two sessions: from 2003 to 2007 when the war on drugs policy was implemented; and from 2008 to 2009. The second DG was Mr. Chatchai Suthiklom who was the DG at the time I conducted the fieldwork⁹. He was appointed to the position and replaced DG Nathee Chitsawang in 2009.

3.3: Reviewing some fieldwork experiences

Most of my experiences and memories during the fieldwork were recorded in the field notes. According to Martin (2000: 225), 'field notes are vital: they are an informal diary of events and personal impressions which should be kept up to date and can act as a powerful memory aid'.

In my case, I tried to write the notes up every day during my fieldwork, especially at the beginning of the day when I had to wait to be taken inside the prisons and also at the end of

⁹ At present, he is appointed as the Secretary of the National Human Rights Commission of Thailand.

each day. The notes were a very useful device for reviewing the overall interview experiences, in particular my feelings, and also any interesting situations and lessons learned. After reviewing the fieldwork process, there were some intriguing issues to be observed.

3.3.1. The first day

Looking back, I can still remember the first day inside prison as a researcher. Sparks (1989: 119 cited in Noaks and Wincup, 2004: 63) argued that the researcher entering a prison for the first time appears 'naïve, green, uncomfortable and out of place'. As previously discussed, although I have been working for the DOC and it was clearly not my first time entering correctional institutions, I still had some similar feelings to those described by Sparks, because it was actually my first time as a Ph.D. student conducting prison research outside of my formal position in the DOC.

My first days at all of the prisons were filled with various feelings and emotions: excitement, nervousness, feeling uncomfortable and so on; but my first day at BCP seemed to be mostly overwhelming, as this was at the beginning of the fieldwork. I went there about fifteen minutes before the schedule. However, it transpired that I could not start my fieldwork on that day as I had originally planned. My first day actually involved a brief conversation and some negotiation with the Director of the Custodial Unit, who had been appointed by the Prison Director to coordinate any matters regarding fieldwork. For example, he did not adequately understand why I wanted to spend so many days doing research in his facility. In his opinion, I should have been able to finish conducting the interviews with the ten participants within a few days. In this regard, I understood his sense of curiosity. Firstly, observations in Thai prisons are rare. In other words, most researchers who have been inside the prison walls for the purpose of doing research, have usually applied the questionnaire or interview technique which takes only several days at the most. In addition, there were some

particular concerns over security and safety issues, from the perspectives of both the researcher and the prison authority. To clarify, it was the responsibility of the prison to make sure that the researcher was safe during the fieldwork. In order to accomplish this, they would try to avoid any additional risks. In terms of the prison authority, it had a right to be suspicious of any outsider who wanted to go inside the prison for many days, in case he or she had another hidden purpose that might cause a serious threat to the security of the prison.

As has already been pointed out, there are some dissimilarities between Western and non-Western prison research methods, and I found that my adaptation and negotiation of these qualitative techniques created some distinctive elements of my prison research in Thailand. According to a brief survey of the thesis and dissertation database online, collected by the Science and Technology Knowledge Services, Thailand's National Science and Technology Development Agency, it is worth noting that about ninety-two theses and dissertations were completed during the period 1992 – 2007, which focused on topics related to prisons and prisoners. However, only ten of these involved conducting interviews in prisons. Most studies were done using questionnaires or survey research, which were analysed using various statistical research tools.

Among the ten qualitative studies, Suputtamongkol (1999) conducted anthropological research for her M.A. dissertation, *'Prison and the Incarcerated: Power and Resistance'*, in The Central Women's Correctional Institution. She clearly indicated her difficulties in carrying out the fieldwork inside the prison due to the fact that, for security reasons, the DOC tended to only grant researchers a permit for distributing questionnaires. Suputtamongkol (1999: 26) noted that:

A prison officer told me that doing fieldwork in the women's prisons was very rare but still possible. But to carry out the interviews in men's prisons, there was no chance of gaining access because the possible dangers and security concerns in male prisons were extremely high. That's why prison studies have not been conducted more regularly.

As a result, the discussion on aspects of men's prison in her research was mostly based on the review of two documentary books (Suputtamongkol, 1999: 28). Although her dissertation was completed more than ten years ago, it demonstrates the difficulty in gaining access to do fieldwork in Thai prisons. Additionally, the thesis database supports the fact that there are a relatively small number of qualitative research studies on prison issues.

Therefore, on the first day of my fieldwork, some explanation and negotiation was definitely needed. This supports the viewpoint of Sharpe (1998 cited in Noaks and Wincup, 2004), who highlighted some of the likely problems that researchers might encounter. For instance, access may have to be negotiated with different layers of the organisational hierarchy, divided by authority and power. Members of each layer may not share the same interests. In my case, even though my request to spend a month doing the fieldwork had previously been allowed by the DOC and the prison directors, in reality I had to negotiate again with the officers coordinating my research. In fact, this same pattern of negotiation occurred in all of the prisons I went to. As such, this supports the notion that 'access negotiations are often time-consuming and may lead to the project developing in a different way than originally anticipated' (Noaks and Wincup, 2004: 34). The process tended to be more difficult and complicated when the Director of the Custodial Unit told me to wait until he had finished dealing with all of the organisational procedures and then discussed some issues with the Prison Director. For this reason, on my first day I spent only about half an hour in the prison and this time was full of negotiations and disruptions. Eventually, the actual fieldwork started about a week after that.

3.3.2. Unforeseen problems

Overall, the interviews went well. I tended to be reasonably satisfied with the general results of the fieldwork. However, I had some unforeseen difficulties.

3.3.2.1. Technical problems

Firstly, at the WCID, the prison officers asked me not to record the interviews. They claimed that the audio recording would make all of the interviewees, both inmates and officers, feel awkward and uncomfortable, although I had already indicated on the official documents that the audio recording device would be used during the fieldwork. As a result, I had to make notes of the conversations instead of recording them. I found that it was not easy to do two things at the same time: ask questions and write down the answers. In fact, this made the conversation appear unnatural and not as smooth as when using the audio recording device. Noaks and Wincup (2004) pointed out some disadvantages of the interviewer being engaged with note taking. For example, it hinders the researcher in maintaining eye contact and being able to observe non-verbal cues.

There was another issue regarding the audio recorder. During an interview with a prison officer at the CCID, the digital audio recorder stopped working for some reason. Once I realised that it was not working properly, I took notes for the remainder of the interview. I found out later that it had stopped working because the data storage memory was full. Because of this incident, I agree with the suggestion that:

On a practical level, while the audio tape has become an invaluable tool to the social researcher, care needs to be taken that the machine is functioning effectively. Back-up batteries should be available and a good supply of tapes carried (Noaks and Wincup, 2004: 87).

Although I normally checked and charged the batteries every day, this was my mistake because I had not checked the available data storage.

3.3.2.2. Emotional problems

Generally speaking, there were some emotional challenges during the fieldwork but they could be considered as minor problems since I had already prepared to deal with this issue

beforehand. Nonetheless, it might be useful to discuss it. According to Sparks et al. (1996), the researcher can suffer stress, fatigue, and become, in effect, burned out, overwhelmed by a sense of the difficulty of the task, and unable to synthesise his or her impressions in an intelligible, accountable way. Crewe (2009: 485) also maintained that some researchers reach 'the point of compassion fatigue'.

In my experience, the major sources of stress were from the interviews and the observations. Concerning the interviews, there were several participants from whom I felt that I did not get much data during the conversations. Thus, I was quite overwhelmed with the feeling of the task being unsuccessful. Also, there was a primary concern about whether the interview the next day would be better or worse than the current day's interview. With regard to compassion fatigue, I did not experience this, as I tried to be fully aware of this issue during the interviews. However, there was one particular incident that made me feel deep sympathy for a prison inmate at BCP who caused a minor disturbance. In fact, he was not one of my interviewees but I was involved because at the time I was conducting an interview with a prison officer who was the chief of his unit. Hence, the interview had to be stopped because my interviewee had to go to the unit to deal with the disturbance. For me, it was quite an exciting moment to see many custodial officers gather quickly and go to that unit. About ten to twenty minutes later, the situation was properly controlled. Then I saw the prison inmate walking with several staff, including my interviewee, to the building where I usually conducted the interviews. The male inmate was actually crying a lot. In my view, his face really revealed the suffering he was experiencing, which attracted my strong sympathy. I was told later by my interviewee that the prison inmate had caused a disturbance by threatening to commit suicide because he had been threatened by another inmate that his family members would be killed unless he agreed to carry out illegal activities for a group of influential inmates in the unit.

3.3.2.3. Translation, transcription and statistics issue

There were some difficulties in the translation and transcription processes, which were quite time-consuming. With respect to the transcription, I already knew that this usually took a lot of time, especially for my research, which involved many interviews. It has been suggested that a one hour taped interview can take anything from six to ten hours to transcribe (Noaks and Wincup: 2004). Generally speaking, there are both advantages and disadvantages of audio recorded interviews. On the one hand, Martin (2000: 226) argued that 'the inescapable disadvantage of taped interviews is the hugely time-consuming transcription and analysis'. On the other hand, researchers transcribing their own work have the opportunity to enhance their familiarity with the piece and to become steeped in the nuances of the interview:

The transcription process offers the opportunity for reflection on the data and attention to emerging themes and should be seen as an integral part of the analytic process (Noaks and Wincup: 2004: 129).

I spent about four months completing my own transcriptions. Another process that consumed a lot of time and effort was the translation from Thai to English and on some occasions from English to Thai. The latter had actually been carried out earlier in the procedures, when producing the official letters, research outline, interview questions and some other brief details of the fieldwork in order to submit them to the DOC. Normally, all pieces of work in my research are written in English in order to discuss them with my supervisor in the U.K. For this reason, the first translation process involved converting the relevant documents from English to Thai. Translation became a time-consuming process again when the materials and data were reviewed and analysed. All interesting points, conversations and data which were important and needed to be discussed in the research had to be translated from Thai to English again since all of the interviews were in Thai as well as the transcriptions. Because of this, a study conducted in a different language generally requires an additional amount of time to be spent on the translation, which can bring unforeseen problem for some researchers.

Another point to cover is the problem of the statistics. During my research I found that the statistics, in particular the number of prisoners and prison officers, were not consistent. Although the publications were all from divisions or bureaus at the DOC, there were some differences in the statistics and figures. The major reason for this was that the statistics were for different periods of time during the year. For example, some agencies might cite the statistics at the end of the year or in December to represent the statistic for the whole year but the others might produce statistics at the end of the Fiscal Year or at the end of September, to show the total statistics for that year. Some bureaus tended to show statistics that came from an average of the figures over twelve months. As a result, in order to overcome the inconsistency of the data, I decided to copy the raw data or original statistics from the Centre of Prisoner Statistics at the Planning Division and the Personnel Division in order to examine the data myself. Furthermore, throughout this research, I tried to consistently cite the statistics at the end of the Fiscal Year and provide them in a month and year pattern to make them more precise.

To sum up, doing research in a prison is not an easy process. It has specific difficulties that are unique and different from other social settings. Consequently, prison researchers have to prepare well, both physically and mentally. In my study, I decided to conduct fieldwork composed of observations and semi-structured interviews. When combining the materials with the documentary analysis, they should be able to answer all of the research questions and fulfil the major purpose of the research, which was to discover the impact of the war on drugs policy on various aspects of the Thai prison system. It is worth noting that although I had been working for the DOC for almost six years, during the fieldwork there were many new experiences and insights, which opened my eyes and enlightened my knowledge.

Chapter 4 Investigating Thailand's Prison Population

One of the clearest consequences found in the countries implementing the war on drugs policy was the growth in the number of prisoners due to the emphasis on harsh law enforcement and a 'get tough' ideology. As previously discussed in Chapter 2, many studies have indicated the link between the drugs war and mass imprisonment. Because of this, this chapter primarily focuses on an in-depth investigation into the aftermath of the drugs war in terms of the changes in Thailand's prison population and the overcrowding situation. The basic discussion in the first section relates to how the number of prisoners in Thailand has been quantitatively affected. More importantly, from the findings, there were other aspects of the prison population, ranging from the influences on different groups of inmates to the types and attributes of prison inmates in the Thai penal system, which have been shaped by the drugs war policy. These issues will be uncovered in the second and third sections of this chapter respectively. It is believed that these shifts, particularly the changed characteristics of Thailand's prison population, could be regarded as one of the profound factors that have led to other social changes in the Thai prison world after the war on drugs, which will be analysed in the following chapters.

4.1: Growth or decline in Thailand's prison population?

Prison overcrowding seems to be the most popular feature which nearly all of the prison staff and prison inmates stated with certainty, as being a result of the 2003 war on drugs policy in Thailand.

'At that time I remember that there were so many people sent to prison. It was extremely crowded to the point that we needed to snatch or take everything from each other. It was like a competition to survive, you know? The sleeping space, the food, everything...'
(Inmate: H)

When the amount of space behind bars was not enough for all of the inmates¹⁰, various obstacles were presented. Firstly, the cells were all full to over their capacity. As a result, the inmates encountered serious difficulties in sleeping because they had to sleep lying down next to each other in a 'head-to-tail' formation, meaning that the inmate's head was placed between the feet and toes of two people and there was not any space between the inmates to turn over. Some inmates could not fall asleep at night; in particular, if they got up from their personal area to go to the toilet, they could lose their space immediately.

'It was very overcrowded. If an inmate went to the toilet, he could not come back to his place, so he must stay and sleep near the toilet. There were some occasions that I had to sleep sitting on the floor because I did not have any space to lay my body down...' (Inmate: J)

It is worth noting that a place to sleep is very important for the inmates in Thai prisons, because they usually sleep together in large cells or dormitories, unlike the single/double cells in western countries. The sleeping cell is basically an empty square room in which the inmates sleep on the floor¹¹, in a line pattern: one by one, turning their heads to the side wall, meaning that their feet and toes all pointed to the middle of the room. However, in an overcrowded prison, as discussed above, the formation is 'head-to-tail', and the space in the middle of the room which is the walkway, is occupied by more lines of inmates sleeping there. The practical reason for this is that by sleeping in this pattern, the large cell can house the maximum number of prison inmates to sleep at night.

In Thai prisons, the sleeping place of an inmate can indicate their status, in particular for new inmates. Although this was not indicated officially, according to my interviews, it was argued that newcomers had to sleep in the worst place in the sleeping cell: the area next to the 'block'

¹⁰ According to the statistics, as of September 11th 2009, the total standard capacity of all prisons was 108,913. The standard capacity is the total amount of spaces in Thai prisons divided by 2.25 m² which is recognised as a standard space for each inmate in a sleeping cell (Bureau of Penology, 2009).

¹¹ Currently the inmates sleep on the mat or thin mattress, depending on each prison.

or toilet. In a corner of the room, there was a toilet for all of the inmates in that cell to share. It was a Thai style toilet that you had to squat over. Around the block there was a low-rise concrete wall so that other inmates could only see the head of the person using the toilet.

'It's a tradition that the newcomers must go to sleep near the block. But if they have money or a kind of power, they can pay some money to other inmates to exchange the sleeping place¹².' (Inmate: N)

This practice reflects the low status of new prisoners. As Goffman's (1961: 27) study indicated:

He may be called by a term such as 'fish' or 'swab', which tells him that he is merely an inmate, and, what is more, that he has a special low status even in this low group.

Interestingly, at night, the lights in the sleeping cells were 'never' turned off in any of the Thai prisons, which appears to be dissimilar to the general practice in western countries. A possible reason for keeping the room lights turned on is a security concern.

'At first, I couldn't get used to sleeping under the room lights. Some people have to find a piece of clothing to cover their eyes to sleep. But now I'm okay. The room lights will be turned off only in the morning...' (Inmate: L)

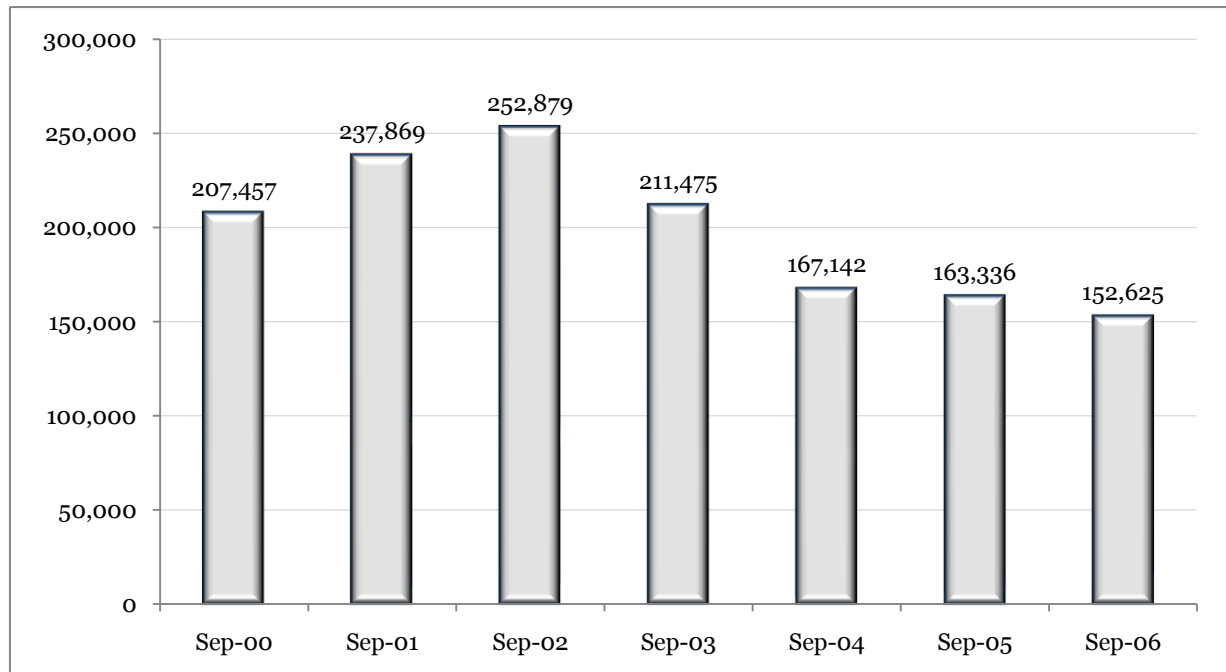
Due to the lights being on all night, new prisoners often cannot sleep well in the early stages, but tend to get used to the lights as time goes by.

Although the inmates emphasised their great difficulties due to the overcrowded prison, the figures in the documents were not in line with the interviews. Crucial to this issue, is that when I gathered other sources of data, particularly the official statistics, I noted that from 2000 to 2006, the size of the prison populations in Thailand had actually decreased, after the official adoption of the war on drugs policy in February 2003. Thus, the prison overcrowding

¹² In Thai prisons the inmates can change their sleeping place in many cases: to replace a released or transferred prisoner, to move due to a noisy snoring person or to agree to swap with another inmate. The exchange has to be approved by the prison guards or the inmate who is considered to be the head of the dormitory.

crisis should be recognised as being somewhat alleviated. The statistics on prison populations not only contradicted the participants' views, but also showed a crucial difference to the literature discussing the U.S. war on drugs policy.

Figure 4.1 Number of prison population¹³, 2000 – 2006



Source: Centre of Prisoner Statistics, Planning Division, DOC.

Figure 4.1 shows the total number of persons incarcerated in Thai prisons each September,¹⁴ between 2000 and 2006. The prison population diminished from 252,879 in September 2002 to 211,475 in September 2003. In total, this is around a 16 per cent reduction, which presumably resulted from the declaration of the drugs war in February 2003 and the implementation of the Narcotic Addict Rehabilitation Act B.E. 2545 (2002), which came into effect nationwide in 2003, because drug users were no longer sentenced to imprisonment.

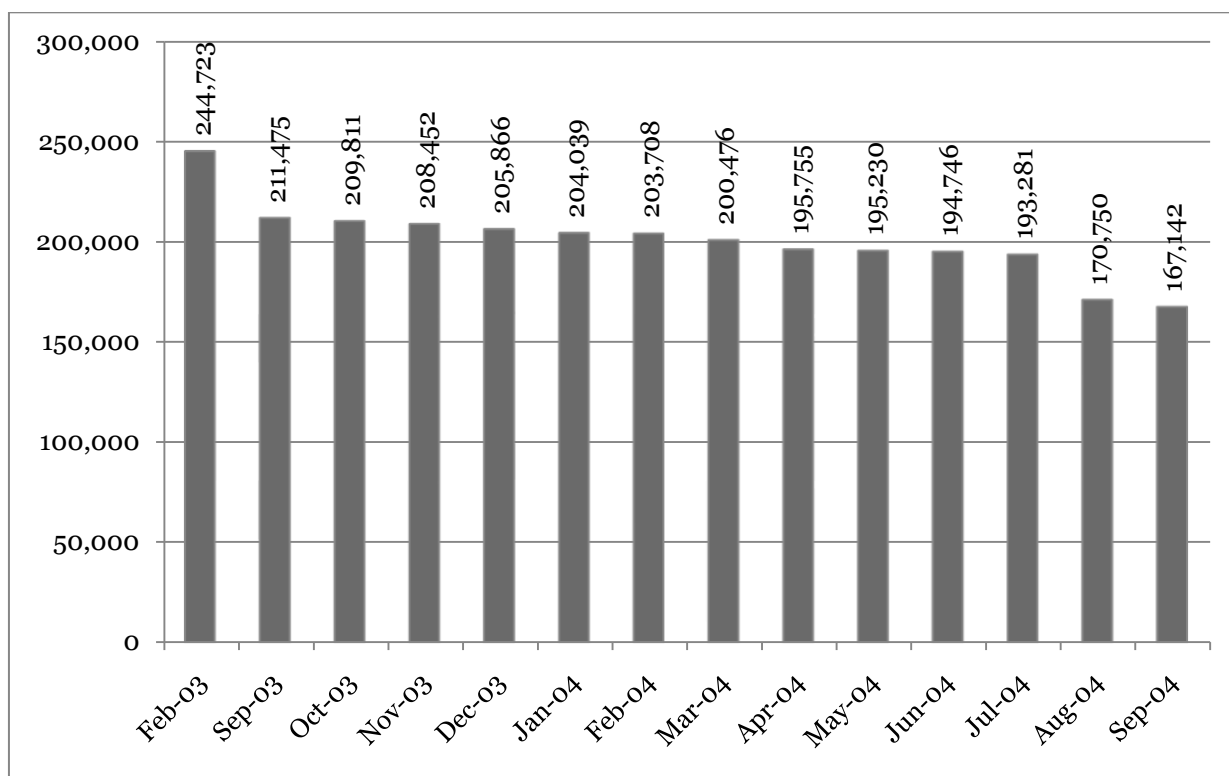
The former DG of DOC, Nathee Chitsawang, explained that the introduction of the NARA B.E. 2002 to become one of the features of the drugs war was pushed through by the Ministry of

¹³ It is usually composed of both groups of convicted inmates and those on remand.

¹⁴ The Department of Corrections tends to display the formal statistics in September, as this is the end of the fiscal year.

Justice for overcoming the drugs crisis and prison overcrowding at that time. Many parties, including the Government, Ministry of Public Health, Ministry of Justice, Ministry of Interior and other key persons in the criminal justice system, all agreed to develop and implement this feature of the policy.

Figure 4.2 Number of prison population, February 2003 and September 2003 – September 2004



Source: Centre of Prisoner Statistics, Planning Division, DOC.

Moreover, as illustrated in Figure 4.2, when closely examining the statistics collected monthly after February 2003, the prison population stood at 244,723 in February 2003, and about six months later the number of prisoners had fallen to 209,811 in September 2003. The statistics show a steadily decreasing trend.

From 2000 to 2006, imprisonment or incarceration rates also declined, as displayed in Table 4.1. The number of prisoners per 100,000 Thai people decreased from 335 in 2003 to 269 in 2004 and kept going down to 261 and 242 in 2005 and 2006 respectively.

Table 4.1 Thailand's population and prison population and incarceration rates, 2000 – 2006

Year	Thailand's Population (every December)	Prison Population (every September)	Incarceration Rates
2000	61,878,746	207,457	335
2001	62,308,887	237,869	381
2002	62,799,872	252,879	402
2003	63,079,765	211,475	335
2004	61,973,621 ¹⁵	167,142	269
2005	62,418,054	163,336	261
2006	62,828,706	152,625	242

Sources: Bureau of Registration Administration, Department of Provincial Administration, Ministry of Interior and Centre of Prisoner Statistics, Planning Division, DOC, Ministry of Justice.

Therefore, at first glance, it seemed that the statistics did not appear in accordance with the interviewees' opinions, which strongly indicated that the war on drugs campaign had markedly worsened the overcrowding situation in prisons. Having said this, there are several intriguing possibilities that may explain these conflicting findings.

Firstly, the interviewees were from four prisons. Although some of them had previously been imprisoned in other establishments, overall this could be still considered as a relatively small number of institutions, compared to the total 133 correctional facilities¹⁶ in Thailand. To put it simply, this meant that although the total prison population had dropped, there might have been an increasing prison population in the specific prisons in which the interviewees had been detained at that time, while in the other 129 prisons there might have been a decreasing number of prisoners. To prove this point, the retrospective statistics on the number of convicted prisoners across the penal system was gathered in Table 4.2, and the statistics on the prison population in the four specific prisons of my fieldwork were also revealed in Figures 4.3 and 4.4.

¹⁵ It is noted that in 2004 the Bureau of Registration Administration revised some duplicate data which caused the significant decline in Thailand's national population (Office of the National Economic and Social Development Board, 2013).

¹⁶ In 2003, there were total 133 correctional facilities in Thailand.

Table 4.2 shows the number of different types of facilities that experienced a rising number of convicted inmates. I chose two sets of data indicating prisoner numbers reported in March and September 2003 after the declaration of the policy. In March 2003, a month after the war on drugs, there was an increase in the prison population in thirty-six establishments (about 27 per cent of all of the prisons), while in September 2003, or six months after the policy declaration, thirty-eight prisons (nearly 28 per cent) reported an increase in the number of convicts.

Table 4.2 Number of different types of correctional facilities having an increasing number of convicts in March and September 2003

Type of prison (N = 133)	Number of prisons reporting an increase in their convicted prisoners	
	March 2003	September 2003
Central prison (N = 26)	5 (19%)	7 (26%)
Provincial prison (N = 54)	16 (29%)	16 (29%)
District prison (N = 24)	8 (33%)	5 (21%)
Remand prison (N = 4)	1 (25%)	3 (75%)
Correctional institution (N = 25)	6 (24%)	7 (28%)
Total	36 (27%)	38 (28%)

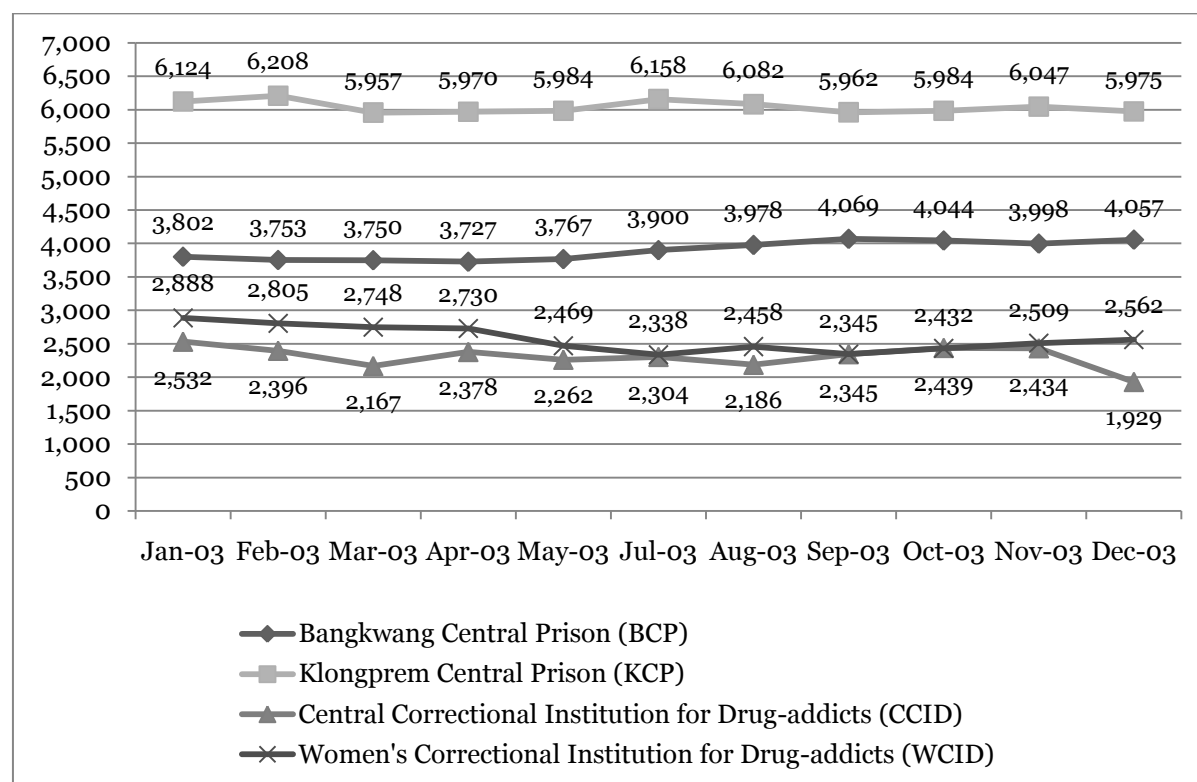
Source: Centre of Prisoner Statistics, Planning Division, DOC.

Across the penal system in Thailand, among each type of prison, some facilities experienced an increase in the number of convicted inmates but their percentages were between 19 and 33, with the exception of the remand prison. The statistics indicate that six months after the drugs war, three¹⁷ of the four remand prisons or 75 per cent of this facility type, became more overcrowded because of the rising number of convicts.

As for the facilities in which I conducted the fieldwork, their statistics on prisoner numbers are indicated below in Figures 4.3 and 4.4.

¹⁷ From the raw data, the three remand prisons were Bangkok Remand Prison (BRP), Thonburi Remand Prison (TRP) and Pattaya Remand Prison (PRP).

Figure 4.3 Number of convicted prisoners in four correctional establishments, January 2003 – December 2003 (excluding June 2003)¹⁸



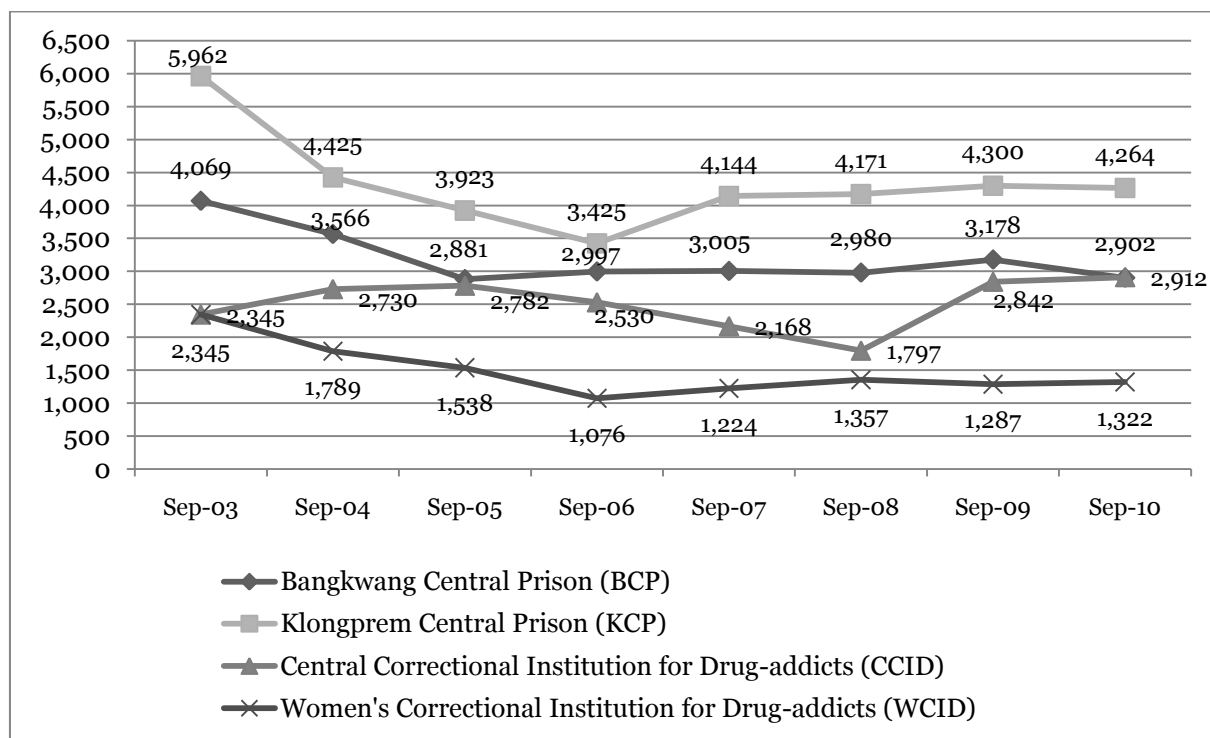
Source: Centre of Prisoner Statistics, Planning Division, DOC.

As shown in Figure 4.3, from March to December 2003, the nine-month period after the declaration of the war on drugs policy, there was not a dramatic increase in numbers in any of the four prisons. The line graph for BCP displays signs of growing numbers between May and December 2003 but the difference in the number of convicts was only between 10 and 300. There was also an increase in the number of prisoners in the CCID in October and November 2003, but the numbers increased by less than 50. As for the other two prisons, the line graphs show a falling trend after February 2003.

Nevertheless, if the statistics are displayed in a yearly formation, especially for every September, the line graphs show that the numbers of prisoners were as follows:

¹⁸ The statistical data of prison population in June 2003 are not available.

Figure 4.4 Number of convicted prisoners in four correctional establishments, September 2003 – September 2010



Source: Centre of Prisoner Statistics, Planning Division, DOC.

According to Figure 4.4, it is clear that in three prisons: BCP; KCP and WCID, the prison populations declined after September 2003. On the contrary, however, at the CCID, there was a slight increase in the number of prisoners in the three years after September 2003, ranging from nearly 180 to 430.

Consequently, according to the statistics, it can be concluded that although the overall overcrowding situation seemed to have noticeably improved, on the grounds that the total numbers of prisoners in Thailand dropped after the declaration of the war on drugs, there had possibly been a slight rise in some particular correctional facilities as displayed in Table 4.2. As for the prisons in my study, BCP and the CCID also experienced a growing number of convicts, depending on the display of the statistical data being either in a yearly or monthly pattern.

The second possible reason why the interviewees insisted that their prisons were more overpopulated after the war on drugs is that the chronological sequences of the implementation and formal declaration of the drugs war seemed obscure. To put it simply, it might be true that the drugs war was officially announced by the government in February 2003, but the starting point of the drug suppression campaign was initiated in 2001, about two years earlier. As this was one of top priorities of the newly elected PM Thaksin Shinawatra at that time (ONCB, 2005a; Lhaphthananon, 2007), 'the First National Workshop on the Strategy to Overcome Drugs' was hosted by the government in Chiang Rai Province on 10th and 11th March 2001. A four-point plan was drawn up at this meeting, which stated the following (Roberts et al., 2004:3):

- 1) A heavy emphasis was placed on stringent law enforcement, and punishments would be increased for corrupt public officials, and rewards introduced for officials who cooperated with the policy of drug suppression;
- 2) There would be strict control of the importation of precursor chemicals;
- 3) The need to foster co-operation with international organisations and the international community to tackle drug production and distribution was acknowledged; and
- 4) There was a pledge to remove the barriers to treatment for people with serious drug problems. It was stated that such addicts must be able to receive medical treatment and rehabilitation as soon as possible after facing any legal charges.

In addition, the Government would set up a system that would provide services for the treatment, rehabilitation, vocational training and acclimatisation of drug addicts in order that they may be able to return to the mainstream of society.

Because of this strategy, as illustrated in Figure 4.1, the total prison population rose dramatically from 207,457 in September 2000 to 237,869 in September 2001. Accordingly, it is quite possible that the interviewees, both prison inmates and prison officers (further discussed in the next section), could not be certain of the exact timing of the official declaration of the war on drugs, the previous campaigns or the coherent strategies for overcoming drug problems. In addition, since the policy had been carried out almost ten years

previously, the interviewees might have found it difficult to clearly recall the whole timeline of the campaign.

Nevertheless, it should be noted that the reduction in the number of prisoners after the war on drugs, was derived from the NARA B.E. 2545 (2002). This act was considered as one of the key features of Thailand's war on drugs, in particular because drug addicts would no longer be perceived as criminals who had committed offences against the drug and narcotics laws, but would be considered as a group of patients in need of rehabilitation in drug treatment centres. According to Pearshouse (2009), diverting people away from prisons and into compulsory drug treatment centres may reduce the number of people in prison. It is also advantageous to the health and human rights of people who use drugs, such as the reduction of HIV risks associated with imprisonment in Thai prisons. Therefore, it could be argued that the NARA B.E. 2545 (2002) was the determining factor which caused the decline in Thailand's prison population after the war on drugs and led to the opposite impact of the drugs war campaigns in the U.S, which were previously discussed in the literature review.

4.2: Overcrowding problem and shortage of prison staff

Similar to the prison inmates' opinions, most of prison officers believed that the rise in the prison population was a direct impact of the war on drugs policy. Under such circumstances, the prison staff could not perform their jobs efficiently, in particular the care, custody and close monitoring of inmates' behaviour. At the CCDI, most officers stated that there were about 100 – 200 new prisoners entering the institution every day. On some occasions, the staff had to continue working on the reception process until 1.00 am so that the newcomers could go and stay with their fellow inmates in the sleeping cell.

'After the government declared the drugs war, the police arrested many drug offenders. Then they were sent to prisons which were extremely overcrowded at that time. We could not build more prisons, so it was like the water leak which we needed to find more and more buckets to contain. Each day, I remember that there were like forty to hundred new prisoners coming to this institution while there were only about three inmates who got released.' (Officer: K)

However, as discussed in the previous part regarding the inmates' perspectives, in reality according to the statistics, the total number of prisoners had not increased after the drugs war policy. On the contrary, it had dropped. Besides, the figures and ratios in Table 4.3 show that the ratios of DOC officers to prisoners had actually been improved after the drugs war in 2003. The ratio in 2004 was about one officer to fifteen prisoners. This was less than the ratio in 2001 and 2002, which was one to twenty-two in both years, and less than the ratio in 2003, which was one to twenty-one. Generally speaking, the lower ratio in 2004 was due to the decrease in the total prison population and the slight increase in the number of DOC officers from 10,892 in 2003 to 11,030 in 2004.

To be more specific, if we focus on just the officers working in correctional institutions, and exclude the HQ officers, the ratios are also improved from one to twenty-two in 2003 to one to sixteen in 2004. It is worth mentioning that in practice some prison officers do not have a custodial duty in the prison unit but spend most of their time working in the administrative section of the prison office. In addition, during the day, some prison guards might have other duties to perform such as searching vehicles, checking the stock of products at the prison shops or escorting inmates to hospitals and the courts; because of this, the exact ratio of prison officers to inmates, particularly when managing and monitoring prisoners in the unit, could be higher than the recorded figures, but apart from the first-hand observations of the staff it seems difficult to discover the real ratios.

Table 4.3 The number of prisoners, DOC officers and prison staff, and their ratios, 2000 – 2010

Year	Number of Prisoners (including remandees)	Number of DOC officers (prisons and HQ)	DOC officer to inmate ratio (approx.)	Number of officers working in prisons	Prison officer to inmate ratio (approx.)
2000	207,457	10,507	1: 20	n/a	n/a
2001	237,869	10,908	1: 22	n/a	n/a
2002	252,879	11,283	1: 22	10,679	1:24
2003	231,725	10,892	1: 21	10,352	1:22
2004	167,142	11,030	1: 15	10,460	1:16
2005	163,336	10,978	1: 15	10,375	1:16
2006	152,625	11,073	1: 14	10,436	1:15
2007	170,543	11,029	1: 15	10,424	1:16
2008	185,082	10,746	1: 17	10,147	1:18
2009	206,988	10,877	1: 19	10,327	1:20
2010	242,989	10,714	1: 23	10,164	1:24

Source: Personnel Division and Centre of Prisoner Statistics, Planning Division, DOC.

From the statistics in Table 4.3, it can be seen that not only the ratio between the total number of officers at the DOC and the number of prison inmates, but also the ratio between the officers working in prisons and prisoners, improved for several years in a row, after the war on drugs policy in 2003. Because of this, there are two likely possibilities that may explain why the prison staff maintained that the overcrowding situation had got worse after the drugs war.

First, similar to the inmates, there is the possibility that the prison officers who were interviewed could have been confused about the timing of the official declaration of the war on drugs policy. Furthermore, as can be clearly seen in Table 4.2, and Figures 4.3 and 4.4, there was an increase in the total prison population in some facilities. As for the four prisons in my study, the problem is that statistical data for their officer numbers are not available; therefore, it is impossible to explore the ratio between staff and inmates before and after the drugs war. Nevertheless, whether the prison population has increased or decreased, it seems

that the lives and experiences of the prison officers have been directly influenced by more challenging and complicated missions, which will be explained in the following section and Chapter 6.

Although it seems that since the drugs war, the situation might have improved, overcrowding and understaffing problems still exist in the Thai penal system. Concerning the shortage of prison staff, it seems impossible to trace this back to the period when the prisons were balanced between the number of prison officers and inmates. As will be further discussed in Chapter 6, the DOC cannot increase the number of prison officers by itself; the power and responsibility for this are under the control of the Civil Service Commission. For this reason, the Thai prison system tends to regularly experience high ratios of prison officers to inmates. Table 4.3 shows that the prison staff to inmate ratio has never fallen to less than one to ten. All of the prison officers whom I interviewed mentioned this serious problem.

'In my unit where I'm the commander, I've only fifteen staff. Some of them must escort the prisoners to the hospital; some of them perform the search of the vehicles entering prison. In total, there are only four prison guards in the unit where about 800 inmates are taken into custody. Of course, it's tough and dangerous but we need to work with these circumstances.' (Officer: A)

Accordingly, to deal with the phenomenon of understaffing, it is normal that in Thai prisons there exists the 'trustee system', meaning that a group of inmates can become the assistants to the officers. Generally, the trustees are recruited by the prison guards to work on particular tasks. During my fieldwork, I observed that the trustees might be at the unit gates¹⁹ to check people entering and leaving the prisoner zones. Moreover, the trustees may help the prison staff in the main staff office within the custodial units, for example, by typing documents and letters, delivering documents to other units, and cleaning the office.

¹⁹ The unit gates are usually at the third or fourth security layers of the prisons. To get there, a person must enter several prison gates. The prison staff monitor and control who should gain entry. Most Thai prisons still manually control the gates, meaning that the officers open the prison gates by hand.

In spite of the fact that the Thai prison system has the trustee system, there are some differences between the prisons, particularly in the degree of reliance on the trustees. To clarify, some prisons might rely heavily on the trustees to work in many areas, while others tend to limit the trustees' roles as much as possible. During my fieldwork, I found that KCP was the establishment with the largest trustee system; there were many inmates working with prison officers. Every day, in the morning, I witnessed a group of forty prisoners, wearing red scarves and caps, being separately trained by practising drill and running in a line while singing a song, for half an hour. I was later informed by the interviewees that these prisoners were the trustees. It should be noted that I did not witness any evidence of special training like this in the other three prisons.

From observations and a short conversation with a trustee at KCP, I realised that he perceived himself as having higher status than normal prisoners. Many interviewees, both prison officers and inmates, claimed that some trustees exploit the advantages of their status to gain money or other kinds of benefits from fellow inmates²⁰. As a direct consequence of this observation, the prison authorities should be extremely careful in monitoring and managing the trustee system, because 'relying on prisoners could sometimes get prison officers into trouble' (Crawley, 2004:81).

In contrast, BCP and the CCID tended to have a lesser degree of reliance on the trustee system, although there were some prison inmates who helped prison officers to work in various limited areas and on specific types of work, such as the unit gatekeepers within prisoner zones and the office cleaners. Contrastingly, at the WCID, a prison officer indicated that most prison officers were willing to work by themselves and, therefore, let the trustees perform only a few tasks.

²⁰ From the interviews, the participants did not mention about the connection between an informal economy and the trustees in prisons.

Despite the Thai prisons have been overcrowded and shortage of prison staff for a long time, it could be maintained that these conditions in Thai prison do not brutalise and does not produce a violent or oppositional culture. I argue that the vital factors are the attributes of prisoners, the social relationships between prisoners and prison staff, together with the relevant mechanism behind bars. The combination of these factors contributes to the prison system in Thai context.

In the first place, it is important to understand the attributes of inmates. The prisoners in Thai prisons tended to be described as a group of poor, uneducated, drug-addicted and marginalised people in society. As described by Officer: O *'Yes, in the past, you would hear that in prison there were plenty of foolish and poor people..'* Moreover, the majority of them were not violent or dangerous offenders. Because of this, they did not pose many serious custodial threats to the prison guards but rather tended to follow the prison rules and avoid causing the spotlight from the prison staff. Having said this, the conflicts behind bars could still occur but their degree of seriousness were relatively low given that the Thai prisons are extremely overcrowded and the prison officers were heavily outnumbered by the inmates.

Secondly, the social relationships between prisoners and prison staff must be focused. One of the key findings from the interviews is that in Thailand the prisoners tend to perceive the prison staff in a positive and friendly way which is quite similar to the relationships between family members: brother, sister or mother. Another factor needed to be included in the explanation is the relevant systems inside prisons. For instance 'the house', which is the small community of Thai prisoners governed by the housemaster, plays an important role in negotiating and solving the conflicts between inmates before the situation becomes extremely violent and unable to control. All of these specific relationships will be fully discussed in Chapter 7.

Furthermore, the Royal Pardon is also the effective mechanism to influence the good behavior of the Thai prisoners. To briefly explain, the inmates' violent activities normally lead to the degradation of each prisoner's class which will affect the privilege granted by the Royal Pardon. Many interviewees in my research touched on the significance of the Royal Pardon as their final hope. Most prisoners in Thailand want to well behave in order to stabilise their classes as 'good or excellent' because they will normally receive the highest proportion of privilege of the Royal Pardon, particularly the reduction of their sentence. The complete role of Royal pardon are explored in detail in Chapter 5.

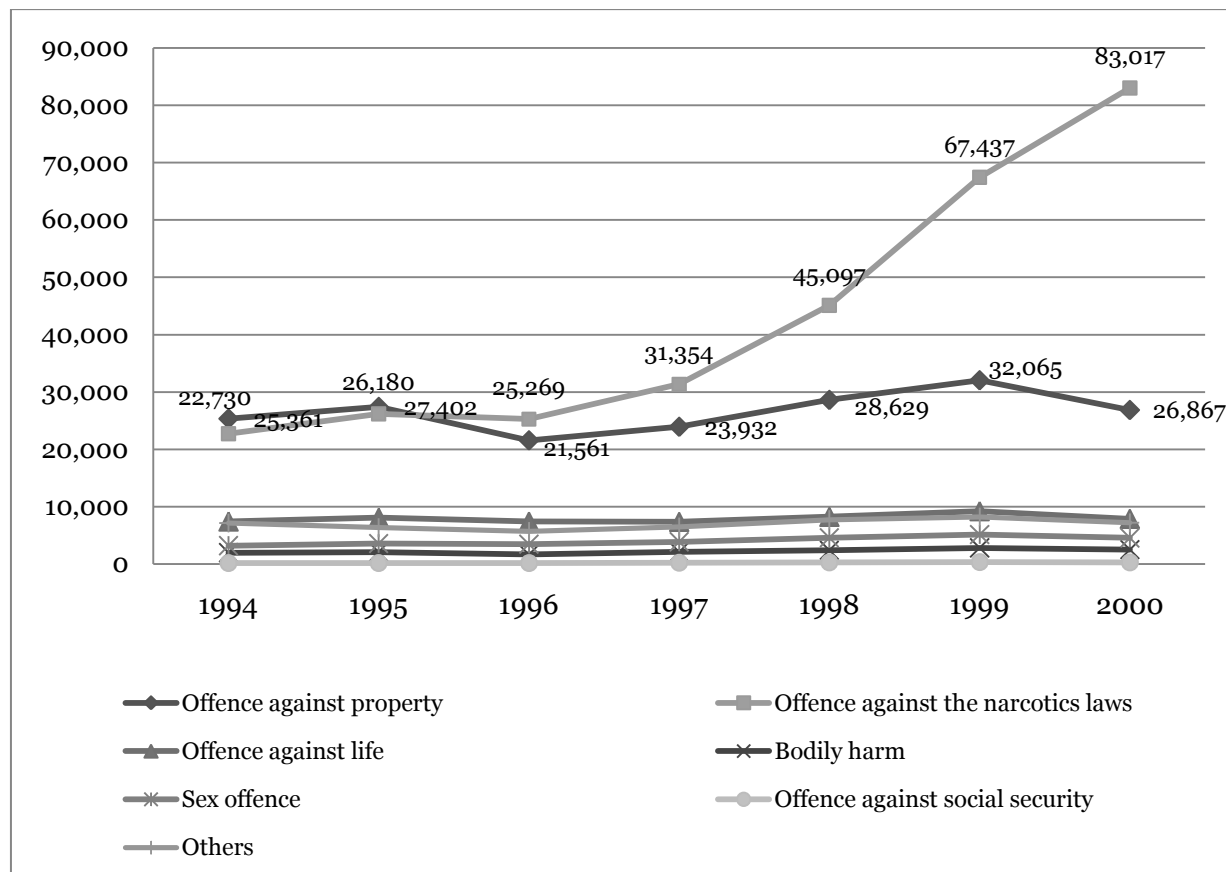
In short, although from the statistics, the war on drugs policy did not lead to a worse situation in terms of understaffing and overcrowding problems, in contrast to what most participants described, it should be highlighted that the Thai prison system has continuously encountered these difficulties. The drop in prisoner numbers was not so dramatic that it could significantly alleviate the overcrowding and staff shortage problems. Nevertheless, apart from the difference in the number of prisoners as a consequence of the drugs war policy, according to the findings, there had been other major changes in the prison population, in particular with regard to the types of prisoners and their characteristics.

4.3: Different prisoner groups

Generally speaking, in the Thai penal system, the inmates have committed six prime offence types. Figure 4.5 shows that in 1994 and 1995, offences against property were the major crime among prisoners. However, since 1996, the majority of prisoners have committed crimes against the narcotics laws. The statistics indicate dramatic growth, rising from 25,269 in 1996 to 83,017 drug-related prisoners in 2000. In four years, the number of convicted drug inmates tripled. It is worth remembering that at that time, Thailand's drugs policy prioritised the criminalisation and imprisonment of people who used drugs, especially

methamphetamine, which had started to become extremely widespread throughout Thai society.

Figure 4.5 Number of convicted prisoners classified by types of offences, 1994 – 2000



Source: Centre of Prisoner Statistics, Planning Division, DOC.

After the 2003 war on drugs policy, the consistent trend in the relatively large number of drug inmates in Thai prison continued. As displayed in Table 4.4, between 2005 and 2011, inmates sentenced for crimes against the narcotics laws were still dominant, comprising more than 54 per cent of all prison inmates.

Table 4.4 The number of prisoners who committed crimes against narcotics laws compared to the total size of the prison population and its percentage, 2005 – 2011

Year	Number of drug-related prisoners (including remandees)	Number of prison population (including remandees)	Percentage (%)
2005	92,417	163,336	56
2006	87,576	152,625	57
2007	95,414	170,543	56
2008	101,938	185,082	55
2009	115,561	206,988	55
2010	123,319	210,855	58
2011	146,014	242,989	60

Source: Centre of Prisoner Statistics, Planning Division, DOC.

The fact that drug-related prisoners have become the major group of inmates could create some specific personal perceptions of this group of prisoners. One inmate mentioned that:

'When I look at all the offenders, I've a distinct perception of them. The drug offenders can be categorised into those large-scale dealers, having very comfortable and pleasant lives and those smaller ones, including the drug-addicted inmates. They're all distinctive. If I have to contact or be involved with them, I might have different interactions according to my perspective towards them.' (Inmate: H)

Generally, prisoners tend to compare themselves with other inmates on 'the basis of their crimes, thereby forming opinions of their own moral standing' (Welch, 2011: 151). Some types of the offenders might feel morally superior to other groups of inmates.

Organised crime and certain kinds of murder have occupied 'the apex of the hierarchy of kudos, with petty crimes and sexual offences at its base' (Winfrey et al. 2002; Sapp and Vaughn 1989; Jewkes 2005a cited in Crewe, 2009:272). It is acknowledged that most prisoners have adopted hostile and negative attitudes towards sex offenders and those serving sentences for rape and child molestation. It is more likely that once labelled as a sex offender, an inmate will be assaulted by other prisoners (Ireland, 2002 cited in Mann, 2008). According to Hanser (2013), in the early to mid-1900s, child molesters typically had a high mortality rate and were often abused by other inmates. It is argued that 'being a sex offender

was worse than being a murderer, hence some may make efforts to pass as non-sex offenders' (Schwaebe, 2005 cited in Phillips, 2012: 156).

Nevertheless, from my interviews, there was no such general opinion towards sex offenders. I was informed by one inmate that he had a particularly bad attitude towards those who had murdered or physically assaulted their own parents. In fact, he was not one of my participants but he was a trustee working at the staff office. During a short conversation, he told me that:

'I hate those prisoners who killed their own mother or father because it means that they are ungrateful. How come they could murder the person who gave birth and brought them up? I really hate these people and if I want to hurt them because of my hatred, I can do it, but I don't want to get myself in trouble. How could I know their offences? It's a piece of cake because I'm a trustee, so I can access the prisoner profile and know what type of offence they committed...'

To seek a way to live harmoniously inside Thai prisons, it is believed that prisoners should follow a set of rules of behaviour or the inmate code. The inmate code can be defined as the set of 'values, norms and maxims that prisoners publicly express as a guide to appropriate conduct, or the idealised template of prison behaviour' (Crewe, 2008b: 140). According to Sykes and Messinger (1960: 8), there exist five main tenets of the inmate code: don't interfere with other inmates' interests; don't lose your head: don't exploit or steal from other prisoners; don't be weak; and don't ever side with or show respect for prison officers or their representatives.

It seemed that the core of the value system underlying the inmate code was the importance of loyalty and adherence to the inmate behavioural code such as 'never to inform on a fellow inmate' (Giallombardo, 1966; Toch, 1992). In Thailand, from conversations with the interviewees, interestingly I discovered some inmate codes that could help them to establish appropriate conduct within the Thai prison community: be careful of your words; do not make plenty of friends in prison; and don't trust anyone.

The first code *'be careful of your words'*, was the code most often mentioned by the inmates, both male and female. It was believed that this could greatly assist the inmates in avoiding trouble or conflict in prison. The inmates described it as follows:

'You must be very careful of your words, because when you say something, they could create a lot of negative consequences. Sometimes you might know a story by chance; it's better for you to keep quiet. For me, I'm not afraid of "prison" but indeed of people living inside it.' (Inmate: H)

'I think that we all must be cautious. If it's not your business, just walk away and do not get involved. Do mind your words. Be aware of giving someone promises. I mean... don't tell anyone that you will do something for them.' (Inmate: F)

In parallel, a female inmate also supported the notion that:

'You need to be careful of your conversation. From my experience, if you say something and other prisoners go and talk to someone else by adding more words which twist your original meaning, you will be in a trouble.' (Inmate: R)

Therefore, in the prison world the inmates needed to learn to be aware of their words and conversations.

'Do not make plenty of friends in prison' was the second inmate code. Although making friends is one of the basic aspects of social life outside, in prison the inmates suggested that it was not the same. Some opinions of the inmates were as follows:

'One thing I've learned from staying here for a long time is "trying to not know many people". Just don't make many friends. Regardless of the belief that knowing a lot of people might be advantageous on the grounds that they can help you when you're in trouble, in prison it's not true. Conversely, if you know many people, they'll come to ask for your help. So I usually don't make a new friend; unless I'm pretty sure what kind of person he is...' (Inmate: O)

'I think we should be underdogs or out of the spotlight. I mean we must not know many people. To put simply, the more people you know, the more trouble you will discover behind bars...' (Inmate: L)

As a consequence, normal inmates tended to restrict themselves to the same group of friends. Thirdly, the final inmate code was *'you cannot trust anyone except yourself'*. When a person is sent to prison, he or she faces a fundamental dilemma; he has to live with other people who have been identified as criminals or immoral people, but at the same time, he could also be perceived by others as a *'wicked person'*. This situation often leads to an uneasy moment for inmates and difficulties in trusting one another.

'You need to be mindful in prison; there are various types of people born and raised by "100 fathers and 1,000 mothers"²¹. Sometimes only a few words could cause terrible trouble, so usually I don't want to get involved with many people. I don't trust anyone 100 per cent. Prison is a scary place...' (Inmate: T)

In many cases, one of the reasons why the inmates did not want to trust the others was the fear that they could be easily fooled.

'In here, there's a culture of relationships that "the foolish people will be the prey of the smarter". It's called "collecting points" in prison, especially if you can deceive other inmates' families or relatives into giving you money...' (Inmate: F)

Overall, it seemed that the inmate codes in Thailand's prisons had one particular thing in common, which was the fact that they were directly relevant to the types of relationships between the prison inmates. Nonetheless, there were some unique features. Firstly, it was believed that the inmate codes in the Thai prisons were often thought of as a kind of status of *'independence'*, meaning that the prisoners should mainly focus on themselves, not on fellow inmates or even the staff; in other countries prisoners choose to be together and are clearly on the opposite side to the authority and the staff. In my study, the Thai inmates did not mention this kind of code of behaviour. On the contrary, they always suggested that it could be dangerous to trust other inmates. To state this in another way, a sense of loyalty to the other

²¹ The Thai proverb, which means that in a group of people there are many types of human beings, as they come from different families and have been socialised dissimilarly.

inmates, or an *'us against them'* mentality, did not appear to widely underpin the inmate codes in Thailand.

According to the interviews with all twenty prisoners, their attitudes towards drug criminals tended to be fairly moderate: neither negative nor totally positive. The reason for this was that all of the prisoners whom I interviewed were drug prisoners. To give an example, an interviewee pointed out that drug prisoners tended to be less smart than inmates who had committed other types of crimes.

'I believe that other inmates are cleverer and think more carefully than us. They can have us fooled easily, especially those who've committed white-collar crimes. So I must be careful when having social contact with these inmates...' (Inmate: S)

Moreover, most interviewees insisted that they were not bad people because they had not physically hurt or killed anyone. In other words, they believed that drug offenders are not violent or dangerous people. In fact, their crimes did not have a direct, immediate and tangible victim. They said that they just sold drugs to customers, without the use of any force. They only sold to people who wanted to buy the illegal drugs. The same explanation was repeated by many inmates incarcerated for drug related offences.

'I don't understand why the government has been trying to portray us as the most dangerous criminals or the enemies of the state. We aren't cruel people who like to kill, steal, rob or hurt anyone. In reality, we just did a kind of business: demand and supply. We never forced anyone to buy it or take it...' (Inmate: I)

Another perspective on the drug-related inmates, in particular the large-scale drug dealers, was that they seemed to be powerful and influential. In Chapter 7, there will be more discussion about the affiliation of prisoners in which most of the leaders were drug-related inmates. It is undeniable that they were perceived as the commanding group of prisoners because being the house leader represented the fact that they must possess personal wealth and have high-powered characteristics in the eyes of the other inmates. However, it is worth

noting that this group of influential drug prisoners was just a small proportion of the total number of housemasters in each men's prison, which could range from 50 to 180, compared to the average prison population, which is between 1,000 and 3,000.

Considering the prison officers, they tended to have attitudes towards drug inmates, which were different from those of former times, before the drugs war policy. To discuss this point, the officers maintained that they divided drug inmates into two general genres: small-scale and large-scale drug dealers. They were quite distinctive in terms of their characteristics and their ways of existing whilst in prison. Some opinions of the prison officers are as follows:

'On the whole, I think the drug dealers tend to be educated people. If we tell them to do something, they can quickly understand it very well. It's easier to talk to the small-scale drug dealers. However, some of these people might develop to become the gang leaders or to cause some security troubles. In contrast, the large-scale drug dealers are very smart. They won't act against us directly. They seem to be quiet and talk to us politely. But behind our backs, they are usually the leaders who command other inmates or "samurai" to act against us...' (Officer: G)

However, it is worth noting, that although some prisoners are considered as *'large-scale drug dealers'*, there are always larger and more influential dealers in the wider society, who are clever and powerful enough not to be arrested. They tend to play their roles behind the scene. Some interviewees pointed out that the prisoners who were the key and influential drug prisoners in their settings, tended to be just *'small fish'*. The truth is that there are *'big fish'* or big bosses outside who are safe from arrest. An inmate explained:

'I must say that the drug business is huge. I know it all. They've very delicate plans and won't be caught easily. Let me tell you, when they do trafficking, they'll let several cars drive ahead of the car containing drugs, so that the first or second cars can give a signal in case that there is a police check point. So that the car can change its route, it is also led by other cars. Also, when they pass one province, normally they'll move the drugs to a new car. By so doing, the police won't be able to follow us....'

Therefore, it is believed that in the external society there is still a group of drug traders who are smarter or maybe luckier, and who gained so much power that they were not arrested during the war on drugs.

Besides the drug-related prisoners, who have continued to dominate the Thai penal system both before and after the 2003 war on drugs policy, according to the statistics, it is obvious that the number of long-sentenced prisoners has been influenced by the drugs war. Generally, there is no official definition of 'long-sentenced inmates' in the Thai context. It has been suggested that these are the inmates who have been sentenced to at least thirty years of imprisonment. The Bureau of Correctional Research and Development, DOC (2005), in its study on *'the Development of Rehabilitation and Treatment Programmes for the Long-term Prisoners and Inmates Prone to Reconvict'*, used a research population that was defined as inmates sentenced to more than thirty years imprisonment.

However, the DOC's Centre of Prisoner Statistics usually presents annual and monthly statistics reports on the total number of convicted prisoners by classifying the data into different ranges of court sentences. Prisoners serving twenty to fifty years imprisonment are represented in the same category. Accordingly, the long-sentenced inmate statistics can be displayed, starting with prisoners sentenced to a twenty-year prison sentence. Compared to western countries, it was found that the definitions tended to consist of relatively shorter lengths of prison sentences. Coyle (2005a) noted that in a number of Scandinavian countries, they would regard anyone serving more than six months as a long-term prisoner, while in many of the prison systems of Eastern Europe, a long-term prisoner was someone serving longer than ten years. In Canada, the John Howard Society of Alberta (1999) defined long term inmates as those serving determinate or indeterminate federal sentences, which consisted of ten or more years.

In Thailand, from Table 4.5, it was found that the number of convicted inmates serving more than twenty years, up to life imprisonment, was usually less than 15 per cent of the total prison population (as of December 31st 2011) (DOC, 2012), while the inmates with shorter sentences were approximately 85 per cent.

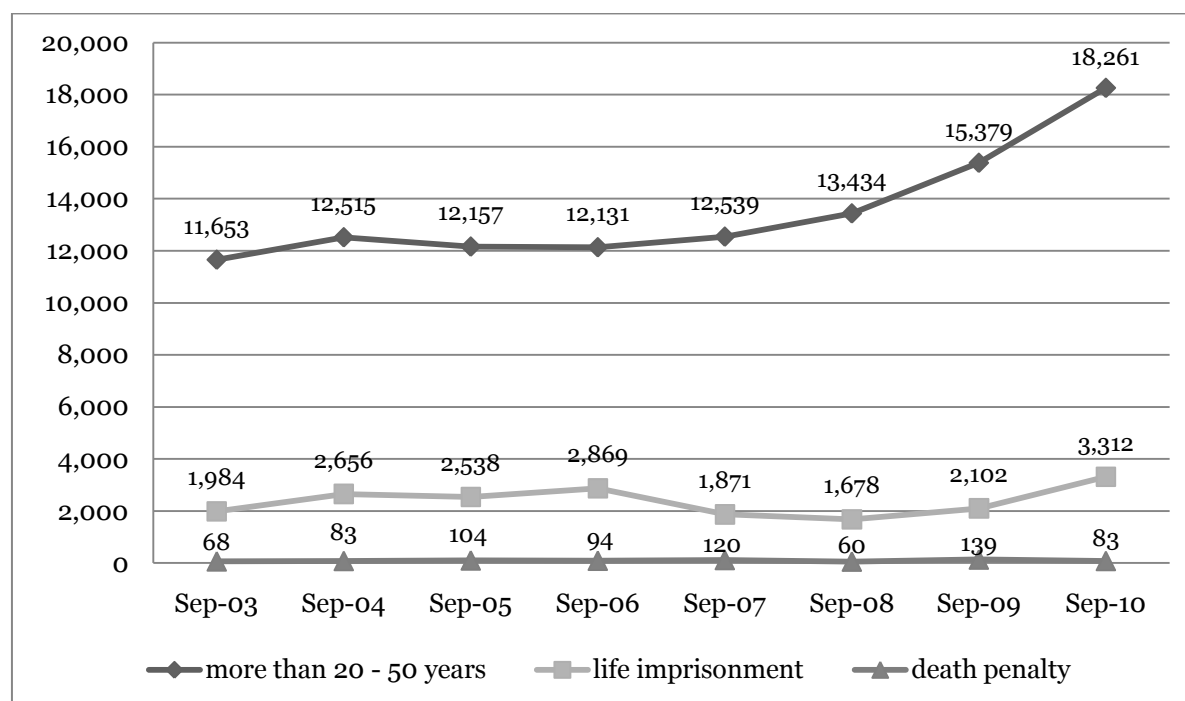
Table 4.5 The number of convicted prisoners classified by court sentence and its percentage (as of December 31st 2011)

Court Sentence (length of imprisonment)	Number of Convicted Prisoners (excluding remandees)	Percentage (%)
Up to 3 months	1,016	0.61
More than 3-6 months	3,349	2.01
More than 6 months – 1 year	9,150	5.49
More than 1-2 years	27,401	16.44
More than 2-5 years	46,783	28.07
More than 5-10 years	35,387	21.23
More than 10-15 years	13,506	8.10
More than 15-20 years	9,852	5.91
More than 20-50 years	17,624	10.58
Life imprisonment	2,507	1.50
Death sentence	71	0.04
Total	166,646	100.00

Source: Centre of Prisoner Statistics, Planning Division, DOC.

Considering the trend in the number of long-term inmates as well as lifers and death row prisoners, Figure 4.6 indicates that the number of prisoners sentenced to more than twenty years has increased since 2003 and reached its highest point in 2010.

Figure 4.6 The number of long-sentenced, life imprisonment and death row prisoners (convicted) classified by court sentence, 2003 – 2010



Source: Centre of Prisoner Statistics, Planning Division, DOC.

Table 4.6 The number of long-sentenced, life imprisonment and death row prisoners (convicted), January – September 2003 (excluding March and June 2003)

Court Sentence (length of imprisonment)	Number of convicted inmates						
	Jan 2003	Feb 2003	April 2003	May 2003	July 2003	Aug 2003	Sep 2003
More than 20-50 years	11,054	11,205	11,236	11,230	11,453	11,568	11,653
Life imprisonment	1,584	1,640	1,683	1,703	1,799	1,897	1,954
Death sentence	32	36	42	45	58	64	68

Source: Centre of Prisoner Statistics, Planning Division, DOC.

Considering the statistics regarding long-term prisoners after the drugs war in February 2003, it is found that the number of this inmate group generally rose in the following months as illustrated in Table 4.6. The possible reason for this increasing trend is the fact that the war on drugs aimed to impose a harsh punishment on the drug dealers in order to deter people from taking part in the drug business. According to Johnson and Zimring (2009), the Thai government's war on drugs is in many ways a crucial context for understanding recent death

penalty developments, for its popularity has made it 'very difficult to dissociate the question of the death penalty from drug issues in the Thai context' (International Federation for Human Rights and Union for Civil Liberty, 2005:11 cited in Johnson and Zimring, 2009: 400).

In terms of the attitudes among the Thai prisoners towards the long-term inmates, these were not clearly mentioned by the interviewees because the majority of them had been sentenced to serve in excess of twenty years in prison. Instead, there were similar negative opinions of the short-term inmates, in particular that they were prone to cause more serious trouble and threaten the status quo or upset the calm atmosphere within the prisons.

'From my experience, I think the short-sentenced inmates are likely to be troublemakers because they believe that they'll be free soon, so they don't fear any disciplinary punishment. The truth is that these people tend to come back again to prison quite soon...' (Inmate: M)

This was similarly indicated by another interviewee:

'I think the long-term inmates tend to be very careful of their behaviour. Because they don't want to break any prison rules which could affect the downgrading of their classes in prisons. Normally, they want to be released sooner than the original court sentence. So, they rarely pose a behavioural difficulty to the staff. But there is of course a group of long-term inmates who might do it for some reason.' (Inmate: N)

It could be said that the short-sentenced prisoners, from the viewpoint of the participants, were quite similar to the 'muppets' found in *'The Prisoner Society'* by Crewe (2009). It was argued that a muppet in prison had various behaviours, including messing around, having a heedless attitude, moaning excessively, and causing unnecessary trouble. These acts had collective consequences, including causing general irritation, collective punishment, and 'bringing heat' from the staff (Crewe, 2009: 251). Irwin (2005) also discussed the contrasting views on the short termers and lifers in the U.S. prisons. For instance, lifers have always been relatively less troublesome for the prison management. One lifer participating in Irwin's study described that:

It is also more true of short-termers, 'summer campers' and 'churners.' These short-termers, all they do is fuck around all day, get into shit. They think they're at summer camp. They know they're going home soon, so they're just having a good time (Irwin, 2005: 102).

The behaviour of the short-term inmates could be due to the fact that they are still attached to their beliefs and perspectives as outsiders. Schmid and Jones (2012: 426 – 427) argued that although short-term prisoners soon learn to define their experiences through a shared subcultural belief system, 'they never completely abandon their outsiders' perspective'. Their participation in the prison world will continue to be inhibited by their ties to, and identification with, the outside world. According to Gibson (1988 cited in Schmid and Jones, 2012: 427), their social marginality, grounded both in place and in time, is thus 'parallel to that experienced by immigrants who expect to return to their country of origin within a few years' time' or, who otherwise manage to maintain a sojourner orientation.

Nevertheless, when questioning the prison officers about this aspect, there was not a unanimous opinion towards the short and long-term inmates observed. Although some staff believed that many of the short-sentenced prisoners tended to create some custodial and behavioural difficulties, the long-term prisoners could also do the same but possibly in a contrasting style.

'It depends... I mean some long-term prisoners, especially the death rows and lifers might feel that they have nothing to lose. So, they don't need to care about anything: neither prison privileges nor disciplinary punishment. But some of them might think differently by focusing on their lives in prison and try to behave well in order to be released sooner.'
(Officer: M)

One member of the prison staff explained that:

'The more severe sentences they've got, the more disciplined and obedient they are. I used to work in the death row unit and the inmates were quite easy to deal with compared to the others. They were men of their word. If they said that they would not do something, they really meant it. In other units, I think the long-sentenced prisoners are quite obedient because of a wait for the Royal Pardon. Contrastingly, the short-term inmates are likely to cause trouble for us. But sometimes they do it as a proxy for the long termers who are

behind the scene, you know? So you must understand your own prisoners very well...'
(Officer: A)

In short, it was found that the influences of the 2003 drugs war policy on some different types of prisoners were that there had been an increase in the number of long-term inmates, lifers and death sentenced prisoners, while the drug inmates still represented the majority of inmates in Thai prisons both before and after the war on drugs. In addition, the prison inmates tended to have various opinions towards each group of prisoners in terms of their personality and behaviour inside the prisons, based on their criminal offence and the length of their imprisonment. Overall, from the various participants' views, the drug-related prisoners and the long-term inmates were likely to be perceived more positively than the other groups of inmates, especially with regard to their non-violent and obedient characteristics.

At this point, the above sections have provided some discussions about the impact of the 2003 war on drugs policy on the size of the total prison population and some specific groups of prisoners, on the grounds of quantitative changes. However, in the next part, other features of the prison population, which are not visible in the statistics, will be investigated.

4.4: Change in characteristics of the drug inmates

Crucially, the change in drug offenders sentenced to prison should be highlighted as a key factor leading to various effects of the drugs war policy. According to the interviews, it was generally pointed out that after the war on drugs, the characteristics of the offenders sent to prisons had been modified.

Central to this argument, before February 2003, drug criminals including drug users²² were widely imprisoned in Thai prisons. Nonetheless, after the enforcement of the Narcotic Addict

²² Before 2003, in case of a drug addicts who had also committed other offences, such as acquisitive crime, he or she would be convicted and punished for both offences: drug use and another offence. However, in prisons, there were specific treatment programmes for stopping drug use of inmates behind bars.

Rehabilitation Act B.E. 2545 (2002), offenders possessing a specific amount of drugs (see Table 4.7) were categorised as drug addicts and sent to receive treatment in a rehabilitation centre. Pearshouse (2009: 7-8) concluded that:

The diversion scheme established by the Act can apply to people charged with the following four offences when they involve certain illegal drugs in quantities less than the limit prescribed by a Ministerial Regulation: drug consumption; drug consumption and possession; drug consumption and possession for disposal; and drug consumption and disposal.

Since its implementation in 2003, over 500,000 drug users have been diverted from the criminal justice system (Julakan et al., 2013).

Table 4.7 Type and amount of drugs for classifying the arrested offender as a drug user

Type of drugs	Amount of drugs arrested
Heroin	not exceeding 100 mg.
Methamphetamine	not exceeding 5 pills or 500 mg.
Ecstasy	not exceeding 5 pills or 1,250 mg.
Cocaine	not exceeding 200 mg.
Opium	not exceeding 5,000 mg.
Cannabis	not exceeding 5,000 mg.

Sources: section 19 and 20 of Narcotic Addict Rehabilitation Act B.E. 2545 (2002) and the relevant Ministerial Regulations

This means that once a drug offender is arrested, it has to be proven whether or not the person is a drug user. To do this they are sent to a Drug-addict Identification Centre for up to forty-five days to await assessment of their case. Under the '*compulsory system*'²³, if it is found that the person is a drug-addict, they are arrested but not charged or recorded as a criminal. Instead, the person has to receive a treatment programme in the rehabilitation centre

²³ Because of the Narcotic Addict Rehabilitation Act B.E. 2545 (2002) a national strategy to rehabilitate drug users has been adopted, which sets three major systems as the framework for drug rehabilitation in Thailand (Watisunthorn and Cherdchai, 2009): (1) '*Voluntary system*': the drug users voluntarily enter the treatment programme without being charged with drug offences; (2) '*Correctional system*': the drug treatment for drug users who have been charged and sentenced to serve time in correctional institutions; (3) '*Compulsory system*': a combination of the voluntary and correctional systems. By so doing, drug users are not arrested, charged or recorded as criminals providing that they decide to receive the drug treatment under the NARA.

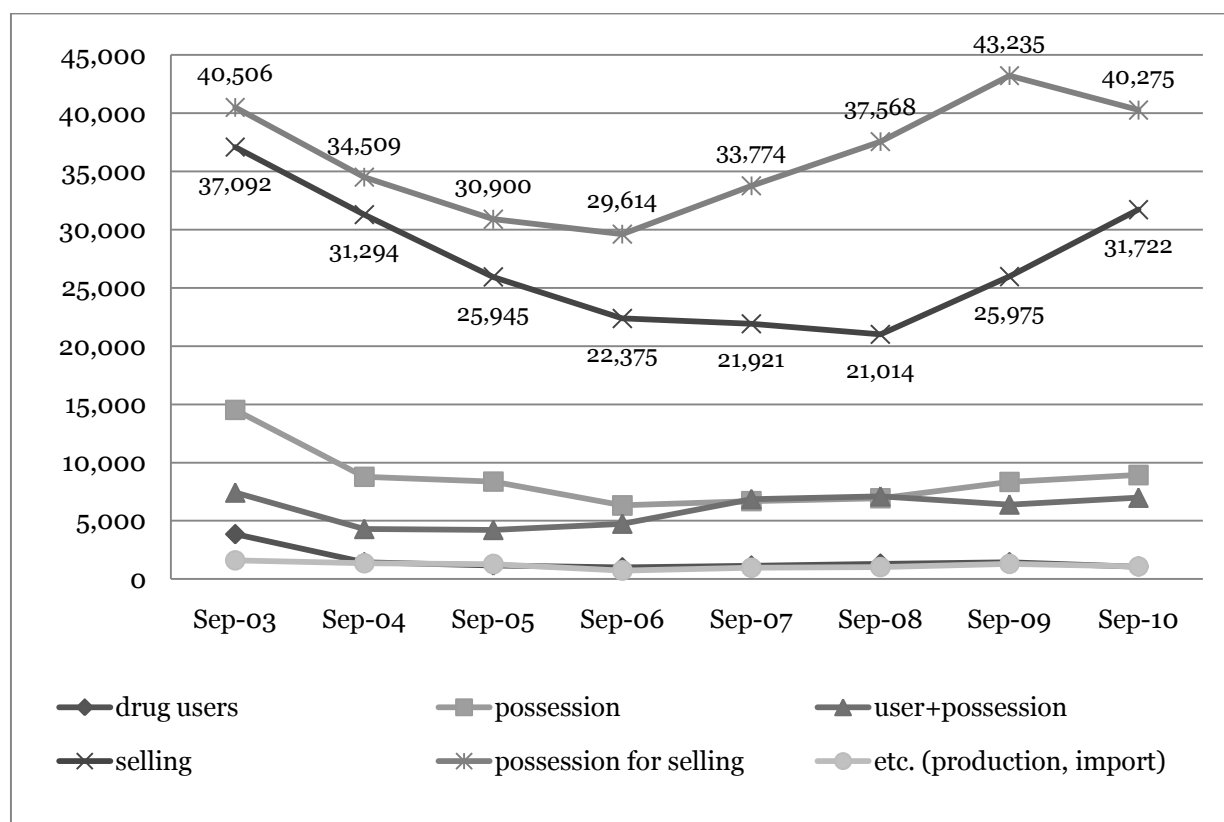
(Watisunthorn and Cherdchai: 2009). Having said all this, it is also subject to some special conditions:

- A person is arrested for using specific drugs, only those indicated in the Ministerial Regulation, which include: heroin; methamphetamine; ecstasy; cocaine; opium; cannabis and volatile substances.
- If it is found that the arrested person purposely consumes drugs before, between or after their arrest in order to avoid a criminal charge, he or she will be disqualified from this system.
- If a person consuming drugs is also arrested for the possession of drugs or possessing drugs in order to sell them, he or she must possess the amount of drugs less than the limit stated in Table 4.7²⁴.

Therefore, because drug users have been excluded by being transferred to drug rehabilitation centres, the majority of drug inmates in correctional establishments since that period consist of drug dealers ranging from small-scale to the large-scale dealers. Figure 4.7 shows the number of convicted inmates sentenced for crimes against the narcotics laws, classified by the type of drug crime, between 2003 and 2010. Overall, the majority of drug prisoners inside Thai prisons have been convicted for two specific categories of drug crime: selling drugs; and possession in order to sell drugs. Undoubtedly, as illustrated in Table 4.8, the most common drug arrests are related to 'methamphetamine', which accounts for 80 – 90 per cent of all drug offences.

²⁴ For instance, the heroin must not exceed 100 milligrammes and the methamphetamine must not exceed 5 pills or 500 milligrammes, etc.

Figure 4.7 The number of convicted inmates sentenced for crimes against the narcotics laws (excluding remandees) classified by type of drug crime, 2003 – 2010



Source: Centre of Prisoner Statistics, Planning Division, DOC.

Table 4.8 The number of methamphetamine offenders and the percentage compared to the total number of convicted prisoners sentenced for crimes against the narcotics laws, 2003 – 2008

Fiscal Year (Sep)	Total Convicted Prisoners Sentenced for Drug Crimes (excluding remandees)	Number of Methamphetamine Offenders (excluding remandees)	Percentage (%)
2003	104,999	93,570	89.11
2004	81,642	72,325	88.59
2005	71,863	64,162	89.28
2006	64,782	57,609	88.93
2007	71,367	64,492	90.37
2008	74,942	69,322	92.50

Source: Centre of Prisoner Statistics, Planning Division, DOC.

At this stage, it should be noted that the role of drugs inside Thai prisons after the 2003 drugs war changed because of the diversion of drug users under the NARA B.E. 2545 (2002). According to Wheatley (2007), drugs can serve a variety of purposes for an individual in

prison, which can be divided into five models: the self-medication model, the time-management model, the social network model, the status model and the economic model. In the U.K., Crewe (2009) clearly emphasised that the role of heroin, an important feature of prisoner social life, had an influence on the social relations and the status of prisoners in prison. While the heroin users tended to be stigmatised for breaching established inmate norms regarding weakness and solidarity towards others, the drug dealers occupied an elevated position in the prisoner hierarchy. With regard to Thai prisons, it is argued that the self-medication and time-management models have become less important as the drug addicts are no longer sentenced to prison since the 2003 drugs war. Instead, the 'status' and 'economic' models seem to be the prime objectives with regard to drugs in Thai prisons today. While the former refers to using and dealing in drugs, which can often promote status and satisfaction, the latter means using and supplying drugs, which can fuel the prisoner economy and elevate inmates in the prisoner hierarchy (Crewe, 2005).

The interviews with the prison staff revealed that they believed that some characteristics of the persons in their custody had markedly changed.

'When the drugs war had been declared and some laws and regulations had been amended, I think we got more "real criminals" in Thai prisons which accounted for the gathering of organised criminals. They tended to be people with a higher social status, such as village headman or in some cases police officers, you know?... very different from the former times when they were usually ordinary people...' (Officer: O)

A perfectly metaphorical expression was given by one officer:

'I wanna compare that now it's actually like we've put a strong tiger in a chicken cage.' (Officer: K)

This quote taken from Officer K indicates that the prison was previously a place for detaining normal inmates, who could equate to the chickens. The problem was that these normal inmates who used to be drug users (chickens) had been replaced by influential drug dealers (tigers). Accordingly, the simple cage (prison) for detaining chickens tended to be insecure

and unable to detain the tigers, who are fiercer and stronger. From the prison officers' viewpoint, it was quite clear that there had been a shift in this group of inmates.

4.4.1. More powerful

It is believed that the large-scale drug dealers incarcerated in Thai prisons tend to gain tremendous power and a large amount of dirty money from the illegal drug business. Nearly all of the prison officers described this group of inmates as being willing to do anything to make the prisons more comfortable for them, as well as to continue running their drug business inside the prison. Besides money, their power could come from their friends or other people who they knew, such as politicians, leaders of the local communities, representatives, Ministers and members of the cabinet. The prison authorities often receive telephone calls from high-profile politicians requesting that they take good care of these specific drug inmates.

'Yes, in the past, you would hear that in prison there were plenty of foolish and poor people; but these days, there are many clever inmates who usually have very well-known and high-powered friends. The politicians are the biggest problem. They don't care much who is right or wrong, whether they are criminals or not. They want only the popular votes from the people in the hometown of that prisoner'. (Officer: O)

In fact, they utilise numerous approaches to accomplish their aims, ranging from offering bribes to threatening prison officers. The issue of bribery was mentioned by many prison officers, who confirmed that bribery and corruption had occurred in their establishments, in particular in the men's prisons, although they did not identify the officers involved.

In 2013, at least five news stories regarding prison officers who had been charged in connection with smuggling drugs and contraband into prisons were reported in the national media: the arrested prison guards had been working at Klongphai Central Prison, Chiangmai Central Prison, Satul Provincial Prison and Trang Provincial Prison (Thairath, 2013; Dailynews, 2013; Matichon, 2013; Manageronline, 2013a). Interestingly, in the news, it was

stated that the prison authorities had initially reported these cases to the police and this had led to the arrest of their own staff. It is believed that there might be other cases, which are being secretly investigated within the DOC and which have not been reported in the media.

According to unofficial data from the Personnel Division (2013), in the fiscal year 2012, after investigating all of the allegations, a total seventy-six prison officers received disciplinary punishments after it was proved that they had been directly involved with drugs behind bars and the smuggling of mobile phones into prisons. Thirty-one of them were dishonourably discharged from the civil service, which is the harshest disciplinary punishment for a government officer.

4.4.2. Smarter and more strategic thinking

From the interviews with the prison staff, they believed that the drug inmates sentenced to prison both during and after the war on drugs tended to be wise people, unlike the drug addicts. The prison guards argued that these inmates usually had great potential. Here are some explanations given by the officers:

'I must admit that the drug dealers are well educated and quite intelligent. They are ready to claim their rights. Due to their power and money, they can hire many leading lawyers to work for them, especially to complain or bring a charge against us. So, we are in quite a difficult situation...' (Officer: B)

This was supported by another officer:

'Personally, I think that we couldn't catch up with them. Every day they've time to think and plan. Also, in here we provide them with many educational activities, even a Master's Degree course. However, our prison guards don't have much opportunity to further their studies. That's why I feel that while the inmates keep going forward, we are stepping backwards.' (Officer: J)

More importantly, it seems that the inmates have started to evaluate the strengths and weaknesses of the prison staff:

'From my experience, they have more strategic thinking time. They have the potential to analyse each member of the prison staff and get to know their weak points and personal background. For instance, if they know that this officer is encountering serious difficulty due to money shortage, they will approach him and offer bribery. In addition, if officers conduct body searches to find contraband, they will observe the frequency of the body parts that these officers usually search, as well as the areas that they won't scan. After that they can make a plan to hide the contraband in the parts that won't be searched by those prison staff...' (Officer: O)

On some occasions, they might play a role in deceiving the officers into misunderstanding. As explained by the guards:

'The inmates can pretend that they don't like each other, or that they are chief opponents but in reality they are drug business partners. Now, it's like we are playing chess and waiting to see who's going to be checkmated between the prison guards and the prison inmates'. (Officer: N)

It is worth noting that these changes were very crucial and could affect the prison staff especially newly recruited officers, who might become the target of this inmate group. However, Stojkovic (2012) maintained that in some cases, the inexperience of the correctional officer staff was an intentional tactic adopted by the warden:

He wished to put together a correctional officer staff that would bring new ideas, work habits, and attitudes to their work. He stated that hiring correctional officers with little or no experience was important because they would be unfamiliar with the 'old ways of doing things', including the corrupt practices that flourish in many prisons (Stojkovic, 2012: 345).

As such, the inexperience of new staff may be of benefit for prison work but they should at least be trained or provided with some knowledge regarding possible deception by the inmates. In Thailand, although the DOC offers a training course to new recruits to enhance their prison knowledge, their training package is usually between four and six weeks, which seems rather short, and it does not include all aspects of prison work, namely, the society of the inmates and also advanced techniques for dealing with this new type of influential drug dealer. The major reason for this is that all of the prisons are understaffed. Therefore, most prisons want to put the new recruits to work as soon as possible. It is worth noting that

although the prison officer to prisoner ratios had gone down to one to sixteen and one to fifteen during 2004 – 2007 as discussed in Table 4.3, the number of personnel in all Thai prisons are still considered as insufficient.

To conclude, the 2003 war on drugs policy impacted on various aspects of Thailand's prison population. Although the drugs wars in other countries have generally caused an increase in their total prison populations, in Thailand the policy has had the opposite effect, and there has been a noticeable drop in the overall number of prisoners in the penal system, which, in turn, has slightly alleviated the overcrowding crisis. The crucial factor in this was the implementation of the NARA B.E. 2545 (2002), which diverted drug users into rehabilitation centres instead of them being sent to prisons. The drugs war policy has also been linked to the increase in the number of long, life and death-sentenced inmates, due to harsh punishments, particularly for drug dealers, traffickers and producers. Another significant impact of the 2003 war on drugs has been the change in the characteristics of the drug inmates, who have accounted for more than 50 per cent of the prisoners in Thai prisons for a long time. It was argued by most prison officers that the drug-related inmates have become more powerful and more intelligent, making their prison work much harder (further discussion can be found in Chapter 6). Interestingly, I argue that these changes in Thailand's prison population could be emphasised as the important root of the consequences of the drugs war policy on other issues within the Thai prison world, especially the lives and experiences of inmates and prison officers and their social relationships, which will be fully examined in Chapters 5, 6 and 7 respectively.

Chapter 5 Exploring the Prisoners' World

As was formerly elaborated in Chapter 2, while there have been many studies clarifying the clear impact of the war on drugs policy, in terms of the major increase in the prison population, which I investigated in the case of Thailand in Chapter 4, other in-depth aspects of the impact, in particular the lives and experiences of prison inmates behind bars, is largely unknown. As such, the purpose of this chapter is to explore the influences of the war on drugs policy on the lives and experiences of prisoners, one of the main focuses is the individual or human agency level of analysis. To put it simply, the main aim is to reflect on the impact through the eyes of the prisoners and acknowledge how the policy has shaped their prison world. Throughout the discussion on the policy's impacts, some important aspects of the Thai prisoners' world, especially their lives and experiences, as well as the prison subculture that has developed inside Thai correctional establishments, will also be highlighted.

5.1: Lives and experiences behind bars

In prison studies, the lives and experiences of inmates have been widely focused on. Goffman (1961) argued in his book *'Asylums'*, that the prisoner encountered degradation and humiliation as well as the mortification of his/her self. According to Sykes (1958), deprivation and the pains of imprisonment are another aspect that inmates have to experience. During the interviews with all twenty prisoners in my study, they collectively expressed that some aspects of their lives and experiences inside prisons had become tougher after the war on drugs. To put it simply, the war on drugs policy made their lives behind bars increasingly difficult. However, before discussing this topic further, I am eager to raise some significant points regarding prisoners in Thailand. From the interviews, there appear to be two

periodical stages in the inmates' lives and experiences: the initial stage of imprisonment and the later period when they have been incarcerated in prison for a while.

5.1.1. Early stages: from the 'entry shock' to 'early coping'

Once an inmate enters prison, it is argued that he or she experiences various painful feelings. Goffman (1961:24) described the moment of entering prison as the mortification process in which the inmate begins 'a series of abasements, degradations, humiliations, and profanations of self'. He argued that on admission the individual is likely to suffer a personal defacement because he is stripped of his usual appearance and of the equipment and services by which he maintains it outside. In fact, the mortification of the inmate's self tends to continue throughout their prison life when an inmate has to undertake daily prison activities. Crawley and Sparks (2006) explained the initial disorientation and this stressful phase of imprisonment by describing it as '*entry shock*'. In their study of elderly prisoners' experiences and release expectations, the first-timers tended to encounter entry shock experiences, including the high noise levels, a lack of privacy, the claustrophobic atmosphere, and hostility from both younger prisoners and uniformed staff.

Borrowing the term from Crawley and Sparks (2006), in this part, in order to explore the experiences of inmates in the initial phase of their imprisonment, I shall cover the discussion from the moment of entry shock, to the stage at which prisoners are able to cope with the fact that they must stay within this materially deprived world.

From the interviews, it appears that from the entry shock to the early coping periods, the inmates in Thai prisons all shared some similar moments: the sense of loss, the adjustment to prison restraints, and the concern for their families who could inevitably be affected by their

imprisonment. To make it easier to understand the new prisoners' situation more clearly, I have placed all of the significant points in a sequence of emergence.

Firstly and most importantly, from their first moment in prison, the inmates could feel a tremendous sense of losing everything in their lives: their freedom and liberty to do what they want. There were also other negative feelings arising from their first time in prison, described by the interviewees, including desperation, despair, fear and confusion.

'I needed a lot of time to adjust myself. It's very hard to accept all of the losses in my life. Of course, the first day I suffered the loss of my freedom, and then I lost my family, my relatives and then good friends. Now I feel I can get used to these "losses". It's something that I have to admit. You must get over it, forget about it...' (Inmate: E)

According to Sykes (1958), of all the painful conditions imposed on the inmates, none is more immediately obvious than the loss of liberty. Similarly, most inmates in my research claimed that the surrounding atmosphere and prison conditions did not seem to really matter to them. Instead, prisoners could well recall that they had spent their first twenty-four hours behind bars thinking about their lives and their trials, especially how to defend themselves successfully in the courts. These recollections emphasised that the new prisoners were totally deprived of their liberty.

'I was extremely frustrated because I was accused of four offences. If the court had judged that I was guilty, I would have been surely sentenced for life imprisonment. So at the beginning, I kept thinking about my case, trying to find a way to make the court dismiss all charges against me.' (Inmate: N)

Besides a negative state of mind, particularly the sense of loss, shock, fear and confusion, at the first moment of entering a prison, the next step of the imprisonment experience of the new inmates was observed to be that of physical awareness, in terms of the state of the body being restrained by instruments of restraint.

Another unforgettable experience of the Thai inmates in the earliest stage is that of the 'prison restraints'. From my observations in the three men's prisons, it was a common sight to see inmates wearing leg irons, which made a distinctive sound of dragging chains. For a person who was not familiar with this sound, such as myself, the clanking of the chains had a similar sound to that of rain falling on a zinc roof. Indeed, when I conducted the interviews in the indoor office, I tended to think that it was raining, but in actual fact it was the sound of a group of inmates walking along the passage near the office.

Although these physical restraints raise the issue of extra punishment, as expressed by a Thai death row inmate: *'it has been very tough... I'm not sure how to say... first, I was locked up then shackled...it feels like I have been locked up twice...'* (Channelnewsasia, 2013), it is an undeniable fact that chains and over-boot leg irons are still considered to be both normal and necessary in Thai prisons²⁵. In fact, there have been concerned voices and widespread resistance from many international human rights agencies, such as the United Nations, which adopted the U.N. Standard Minimum Rules for the Treatment of Prisoners (UNODC, 2006b), stating that the instruments of restraint shall never be applied as a punishment. Furthermore, chains or irons shall not be used as restraints. Other instruments of restraint shall not be used except in some circumstances²⁶ and the instruments of restraint must not be applied for longer than is strictly necessary.

²⁵ In January 2013, the DOC started the campaign to gradually abolish using the leg irons to restrain the death row and long-sentenced prison inmates in order to be in line with the international standards. However, this is still in the testing phase (Manageronline, 2013b). On May 15th 2013, the Prime Minister Yingluck Shinawatra attended the *'Removal of Prison Restraints Day'* at Bangkok Central Prison to mark the moment that shackles would no longer be used inside Thai prisons (Channelnewsasia, 2013).

²⁶ (a) As a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority; (b) On medical grounds by direction of the medical officer; (c) By order of the director, if other methods of control fail, in order to prevent a prisoner from injuring himself or others or from damaging property; in such instances the director shall at once consult the medical officer and report to the higher administrative authority.

Obviously, the Thai prison authorities still do not fully adopt the above-mentioned rules. The major reasons for this are probably related to serious security concerns, together with the possible dangers resulting from escaping prisoners. As is broadly stated in section 14 of Thailand's Penitentiary Act B.E. 2479 (1936), the prison restraints shall not be applied to inmates except in the following circumstances (DOC, 1936):

- (1) The prisoner is described as dangerous and can cause serious harm to other people or himself.
- (2) The prisoner is considered as mentally ill or has a psychological problem, which can create danger towards other people.
- (3) The prisoner tends to escape from correctional institutions.
- (4) In the case that the prisoner goes outside the establishment, it shall be under careful consideration of the correctional staff escorting the prisoner whether the prison restraints shall be applied or not.

In addition, it is believed that the chains and the leg irons can assist the prison staff in controlling and maintaining order among the prison inmates more easily in the overcrowded institutions, as the average ratio of prison officers to inmates is approximately between one to thirteen and one to twenty-three (see Table 4.3). However, to respect their human rights and to try to comply with the international rules, there has been an improvement in terms of the size and type of the instruments. There have also been meetings of the Special Board Committee in each institution, to make decisions on the application or removal of prison restraints on the prisoners.

At present in Thailand, it is obligatory for the death row prisoners to be restrained by large and heavy '*over the boot leg irons*' around their ankles all the time, while the lifers and long-term prisoners must be shackled during their first six months. The justification is that these groups of inmates are considered as '*dangerous*' and '*prone to escape*' in accordance with the Penitentiary Act B.E. 2479 (1936). I was told by all of my interviewees that their lives had become more burdensome with the leg irons in terms of the weight of irons and chains, as well as the associated difficulty in moving and doing various activities. They had to learn a

new way of wearing pants and to polish the irons daily during their shower time; otherwise, the rusty chains and irons could introduce infections into their skin.

'My first problem in living here was the leg irons especially when I walked, slept, and did everything. I remember that I was wearing the "12 millimetre size". When walking, I could not walk in the normal way because your foot and ankles must carry the weight of the chains and irons...' (Inmate: L)

Even so, when I further discussed this issue, they all agreed that the restraints might be considered as a minor problem because they were not deeply concerned about this obstacle. As previously pointed out, at the beginning, only the matters of their court trials and their families were in their heads at this time. The bottom line was that, eventually, according to the interviewees, most inmates had to find a way to get used to living with the irons, by thinking of them as another part of the human body.

Family was an important influence on many aspects of the prisoners' lives. In parallel, the prisoners' families were also affected by the imprisonment of relatives. To explain, the prisoners' families could be relevant to the lives and experiences of the inmates during this early period, in two major ways. In the first place, family tended to become the issue of most concern to the prisoners. According to the interviewees, they became entirely preoccupied with family matters and worried about those people living outside, especially if they had been the primary breadwinners of their families. One inmate expressed deep concern over the future source of income for his wife. This supports the findings that the loss of income was one of the most important difficulties faced by partners of male prisoners (Murray, 2005).

'At first, I was not concerned about my difficulty in here. I mean I'm a tough man. Eventually, I must survive. But I was extremely worried about my wife. Without me, I didn't know how she could get money to support her life. Besides, my mother kept crying about why I ended up in here. She only knew that I was drug addict but she never knew that I was also a drug dealer.' (Inmate: O)

Apart from their concern about the survival of their families, in the case of their wives, partners and girlfriends, the inmates were often worried about losing their relationships with their loving partners, which unavoidably happened to most inmates.

'My wife left me. It's just a typical story for all inmates that their lovers, both married and unmarried, will finally leave you. So, I need to accept it...' (Inmate: G)

From the interviews, nearly all of the prison inmates, both male and female encountered the end of a relationship with their spouses after entering prison²⁷. The grounds for the end of the inmates' relationships tended to be varied. Most prisoners claimed that *'time'* and *'distance'* were the problems. As most interviewees had to serve more than ten years in prison, this might have been long enough to have an impact on the broken relationship.

Besides the length of time and lack of close intimacy between inmates and their partners, the relationships were often terminated due to feelings of shame and stigma. It is believed that stigma is not limited to the incarcerated individual, but rather affects the entire family and negatively impacts on their social status (Hairston, 2002; Clear, et al., 2001 cited in Council on Crime and Justice, 2006). For this reason, it is believed that by continuing their relationship with the offender and offering the offender their support, relatives are further stigmatised and deemed responsible for the maintenance of the stigma. Nevertheless, it is worth noting that although the partners of the inmates may have decided to end their relationship, some of them continued to support and maintain contact with the prisoners but in a modified status and position: as a friend, sister or mother. One participant in Condry's research (2007: 140) said that she continued to support the offender and maintain contact, but *'considered her relationship to be over and no longer visited him in prison'*. From my interviews, it can be

²⁷ Interestingly, there was only one case in which the inmate and his wife were still able to maintain their relationship. The principal reason was that his wife was also an inmate in the women's prison, sentenced for the same offence, as they had both been arrested and charged together. During their time in prison, each of them wrote letters to the other. It could be said that this was very rare case.

seen that the partner will establish a new relationship with other men/women in the wider society. Although the wives or partners might have left the inmates, they tended to keep in contact and support the prisoners, as well as visiting them so as to discuss matters about their children.

While many prison inmates might lose their relationships with their spouses, in Thailand the role of another group of relatives could become increasingly dominant. These were the prisoners' parents or in some cases, their siblings. Almost all of the interviewees mentioned the supporting role of their parents, sisters or brothers while they had been incarcerated. In fact, the most frequently mentioned wish among the prisoners was that they wanted to be released and requite their parents by taking good care of them.

'I hope that I can go home. Now I've only seven years left to serve. I'm counting down to my release. If I receive the Royal Pardon this year and next year, I might be released by 2013. I've some hope because my parents are still alive. I want to take care of them as I could not do that during my time in prison. I will be extremely sad if they pass away before my release.' (Inmate: J)

On the other hand, the imprisonment of inmates can also affect their relatives in many ways, from the day the offenders are arrested. Regarding the effects on partners of prisoners, Murray (2005: 444) argued that:

Imprisonment of their partners can be emotionally devastating and practically debilitating. Loss of income, social isolation, difficulties of maintaining contact, deterioration in relationships, and extra burdens of childcare can compound a sense of loss and hopelessness for prisoners' partners.

In addition, in terms of the children of prisoners, they can suffer a range of problems such as 'depression, hyperactivity, aggressive behaviour, withdrawal, regression, clinging behaviour, sleep problems, eating problems, running away, truancy and poor school grades' (Boswell and Wedge 2002; Centre for Social and Educational Research 2002; Johnston 1995; Kampfner

1995; Sack et al 1976; Sharp and Marcus-Mendoza 2001; Shaw 1987; Skinner and Swartz 1989; Stanton 1980 cited in Murray, 2005: 446).

After passing through all of previously discussed circumstances: a sense of loss, the prison restraints and concern for their relatives; the lives and experiences of the prisoners in the early stages develop into 'early coping'. This is the moment when the prisoners believe, to some certain degree, that they can cope with the world behind bars. When asked about the 'coping process', the prisoners stated that most inmates took a while to get used to prison life. According to the interviews, this can take from about two to five years.

'From my experience, I spent about five years trying to adapt to staying in prison. Now I'm okay, not very stressed. Perhaps... because my release date is approaching...' (Inmate: I)

Even so, there are always some people who cannot get used to living behind bars. They might attempt to commit suicide or, in some cases, become mentally ill.

'Some prisoners can't adjust to prison life. Every prison where I've been, there are repeatedly incidents of self-murder. These people tend to be the just-arrived inmates or other prisoners who are informed of shocking news from their family, in particular when they know that their lovers are going to leave them...' (Inmate: I)

Again, this interviewee stressed the normality of the ending of a relationship for inmates. Regarding the way in which inmates can successfully get used to imprisonment, it was found that the most popular technique was to follow and learn from other prisoners. They also had to understand and obey the rules and regulations. An inmate described that:

'I started to be able to adjust to imprisoned life when I went to Bangkwang Central Prison: a prison for detaining many death row inmates and lifers. Compared to their sentence length, mine is considered as "short". I was really surprised at how they could be there calmly and peacefully. I think they tried to keep thinking positively. From that moment, I decided to change myself to be like them and keep calm...' (Inmate: I)

Similarly, the role of other inmates in helping a prisoner to settle into prison life can be found in the research of Crawley and Sparks (2006). They argued that after getting over the entry shock phase of imprisonment, elderly and first time prisoners began to settle into prison life with the help of some of their '*neighbours*'. These are other inmates in adjoining or nearby cells who provide company and support.

5.1.2. Later stages: from '*strategies to survive*' to '*moving on*'

Concerning their lives and experiences in the later period, when the prisoners had spent some months or years in prison and had finally become acquainted with the prison world, they tended to focus on other aspects of their lives in the institutions. In other words, in this phase, the prisoners started to think about the strategies involved in their lives behind bars and how to continue moving on with their lives in prison.

While people in wider society like to claim that they have '*no time*' to take part in particular activities, on the contrary, prisoners have '*more than enough time*', particularly those sentenced to serve more than ten years. It is argued however that having too much time tends to be a problem for an individual serving life (Jewkes and Johnston, 2006).

For the inmates who have an enormous amount of time on their hands and, it might be crucial for them to find ways in which to mark the passage of time, as well as to manage and also kill their time in prison. The long-term prisoners, in particular, have to sustain their lives in some way, and they look around for ways of marking the passage of the days, and ways of differentiating and dividing time:

To mark the passage of time the prisoners might engage in mind-building (reading or studying) and in body-building (usually weightlifting), as well as ticking off certain fixed, definable periods: days, weeks or months (Cohen and Taylor, 1972: 95-96).

Nevertheless, the ticking off of a unit of time might be a debatable activity. According to my interviewees, most of them decided to ignore the calendar check and never counted how many days they had left before they would be released. Schmid and Jones (2012: 434) also found that a long-term inmate participating in their research described that:

He doesn't usually hang around short-timers because they are so preoccupied with time. He said it took him a long time to get over counting the days, weeks, and months, and that he doesn't really like to be reminded about it.

Furthermore, from my study, in order to kill their time in prison, the interviewees seemed to find all types of activities to do, for instance taking study classes, playing sports, painting and planting, so as to avoid moments in which they could think about the outside world. For some inmates, it is believed that they might choose to gamble or have a tattoo done, in order to kill time, both of which are regarded as prohibited activities in Thai prisons (these shall be further discussed in a later section). The inmates needed to try to keep themselves busy doing something.

Although each day in prison lasts for twenty-four hours, exactly the same as one day for people living outside of the prison, it seemed that time is different in prison (Jewkes and Johnston, 2006; Welch, 2011). As Cohen and Taylor (1972: 100) argued, the long-termers were usually concerned with 'the speed of time's passage'. In other words, they felt that in the prison world, days did not pass at their conventional pace.

Regarding this aspect, some prisoners in my study thought that time flew fast, while others did not. Some examples are as follows:

'Time crawls... because I want to be released. I don't want to be here. To kill my time, I grow some garden plants and do other activities. I try not to look at the calendar or count the days...' (Inmate: J)

'I have to find something to do so that I won't get stressed. Nowadays, I still look at the calendar, just want to know the date and see whether it's a weekday or the weekend, but I don't count down the number of days to when I will be released. I think most people here

don't count the remaining days that they have to serve in prison because their sentences are very long, twenty five to fifty years...' (Inmate: L)

'I feel quite tired coming to this point... to be released by next year. I think I'm lucky to have some tasks to do otherwise I would be very distracted. When I look back, I feel that the speed of time was quite slow. That's because I have routine activities, doing the same things again and again. I just started to check the calendar last year. Before that, I had never looked at it...' (Inmate: O)

In contrast:

'I think in the past, time did fly. I guess that's because I had many things to do during the daytime. I often thought of stories at night. But now, time crawls because I'm waiting for my release. I really want to have freedom now, especially when I see other inmates being released from prison every day.' (Inmate: T)

For me, during the past years, I think the pace of time was fast but when I realised that I would be out next year, then time started to move very slowly. (Inmate: S)

'If we have many things to do, we don't think about time. From my experience, time flies because I have to work every day, but if you are obsessed with time by counting every hour or passing time without doing anything, then you'll feel that it's slow....' (Inmate: I)

Consequently, it appeared inconclusive to specify a viewpoint on the speed of time behind bars. In my view, as described by the interviewees, inmates who were obsessed or preoccupied with time and the world outside, seemed to have a feeling that time crawled or that the speed of time was slow, without realising the significance of how long they were going to be inside the prison. Similarly, Schmid and Jones (2012: 434) suggested that prisoners, especially long-term inmates, tend to adhere to the belief that 'preoccupation with the outside world could make their sentences more difficult'.

Having discussed some important aspects of prisoners' lives and experiences, it is time now to emphasise the key question of how their lives and experiences have been affected by the drugs war policy. In the interviews, the inmates claimed that prison has become a more difficult place to live. To put it simply, their lives and experiences became tougher and more restricted after the 2003 war on drugs was declared.

5.1.3. Tougher life in prison

The prison inmates believed that their prison lives have become tougher due to an increase in the frequency of prison searches and the ban on receiving parcels from the outside world.

In general, searches can engender negative feelings among the inmates. As Goffman (1961: 36) claimed, in all cases of undergoing searches, 'it is the searcher as well as the search that penetrates the private reserve of the individual and violates the territories of his self'. As such, it seems that the more searches there are, the greater the violation of the inmate's self. Previously, in Thai prisons there were not often searches for contraband, or searches for items prohibited in prison. In practice, the prison authorities tended to conduct a search, only when an intelligence agency reported that contraband might have been smuggled in by specific prisoners. As a consequence, searches in the past would have had a prime target of only a few groups of inmates, while others inmates would not have been affected. However, after the war on drugs, because of the clear signal from the government that it wanted to effectively terminate or reduce the illegal drugs in Thai society, including in the correctional facilities, the inmates had to be searched several times a week. The prison regime became highly sensitive to drugs.

'There were many more searches conducted not only by the prison staff but also by the police and soldiers about three times a week. I was quite exhausted when they did it because my stuff: clothes, pillows, blankets were widely dispersed on the floor. The officers checked and searched the inmates' possessions thoroughly. So, we had to wait for several hours as they searched everywhere in prison, as well as every one of us....'

'... Apart from the long duration of the searches, we needed to clear our stuff, to put everything back in the same position by ourselves. The worse thing was that sometimes my personal belongings were stolen by other inmates. They were incredibly fast in taking your stuff.' (Inmate: O)

Some prisoners stated that the frequent prison searches could make them feel very irritated and exhausted as their daily schedule and routine activities were interrupted. Each search usually took more than an hour to carry out, whether in the daytime or at night-time.

'I don't agree with this decision, I mean if some people smuggled the contraband, the staff must have found out and focused on that group of inmates, as well as ban them from receiving parcels, not all of us. We did not do anything wrong. It's not fair. (Inmate: H)

More importantly, their frustration stemmed from the belief that prison inmates who did not possess prohibited items or who had not smuggled in any contraband, should not be affected by the security searches.

Concerning the ban on sending parcels and food items to inmates, according to the interviews, this occurred several years after the war on drugs policy. Previously, the families or relatives of the inmates could send parcels or small packages containing personal items/ food products to the inmates by post. Also, when visiting the prisoners, they could bring prepared meals, such as fried rice, curry, soup, desserts, and so on to prison, in order for them to be given to the inmates. Nevertheless, these practices were banned in some prisons because of the fact that these parcels became channels through which to smuggle contraband, in particular illegal drugs and mobile phones, into correctional facilities. Some prison staff shared their experiences of finding prohibited items that had been smuggled into prison by hiding them in many strange places: deep fried fish; Thai layer pudding; steamed cockles and so on.

'I once found thirteen small packs of ICE²⁸ hidden in a big deep fried basa fish. They said it cost about one million baht (£20,000). I heard that they cut the outer skin, dug into the flesh and placed packs of ICE in it. After that they let it be exposed to the sunlight until the skin stuck to the body of fish. They might have put it in a microwave or fried it, I don't know... but the fish was quite dried and burned almost liked a stone. That was why we were suspicious and found it...' (Officer: D)

Some prison authorities claimed that they did not have enough staff to carry out searches or scan parcels and foods effectively. In this difficult situation, the DOC decided not to officially issue a Departmental Order regarding the ban on sending parcels nationwide; instead, power was granted to the prison directors to recognise the necessity of banning such items from

²⁸ A street name of crystal methamphetamine hydrochloride

their establishments by issuing their own Prison Orders enforcing or removing the ban²⁹. To solve this problem, most prisons asked families and relatives to order and buy food products and other personal items at the prison shop, so that the staff could deliver these goods to the inmates directly. Alternatively, the family could deposit a certain amount of money into the inmate's personal account in prison; then the prisoners could buy various products and foods as and when they wanted³⁰. Many interviewees voiced their opinions on this point:

'The ban on sending and getting parcels is very crappy. My family couldn't come to visit me very often because they live in other provinces, very far from here. They couldn't send any packages of things to me because of the ban.' (Inmate: L)

Another inmate stated:

I think the parcels and food items are very essential for us. For example, I want to eat my mother's home cooked meals. It's something that I cannot buy at the prison shop. It's not the same taste – it's a different recipe. Some inmates from the northern or southern regions, they couldn't find their local foods to eat in the prison shop. The only way is to ask their family to send them by post or bring them to prison...' (Inmate: H)

It is worth noting that although many of the interviewees claimed that their lives behind bars had become more difficult after the war on drugs and they did not quite agree with all of the security measures adopted most of them indicated that they needed to accept the rules and regulations of the prison authority.

5.2: Decreasing privileges: 'staying longer in prison'

It could be argued that for inmates in Thailand, the privileges or personal benefits in the institutions are the most important factor of all, especially '*the Royal Pardon*' with which the inmates can obtain early release or a reduction in their prison sentence. It can lessen the

²⁹ This issue caused difficulty and confusion to the inmates particularly those who had been transferred to new institutions, where the sending of parcels and food items was banned, while the former prisons did not introduce the ban.

³⁰ However, the prison regulations restricted the daily spending of each prisoner to no more than 200 baht (£4) by deducting it from the inmates' account balance.

degree of punishment, for example from the death penalty to life imprisonment, or reduce the length of imprisonment. Interestingly, all of the prisoners who took part in the interviews mentioned this aspect of prisoners' lives as one of the traumatic effects of the war on drugs policy.

The Royal Pardon, which depends on the discretion of His Majesty the King³¹, is the granting of a pardon to a person who has been punished by imprisonment. It may either take the form of unconditional release, or of a commutation or reduction in punishment³².

In fact, the Royal Pardon is recognised as a mechanism to maintain order in prison since the inmates who wish to be given this privilege must be well behaved. In other words, they must be classified in one of these classes³³: 'excellent', 'very good' or 'good', at the time the Royal Pardon Decree is announced. Accordingly, many convicts tend to obey the prison rules and regulations in order to secure their status in those qualified classes.

³¹ Section 221 and 225 of the Constitution (B.E. 2540) and Section 259 to 267 of Division 7: Pardon, Commutation and Reduction of Punishment in the Criminal Procedure Code Amendment Act (No. 23), B.E. 2548.

³² The Royal Pardon has existed and connected to Thai society for a long time. Although it may be difficult for the Westerners to understand the concept, there is much historical evidence showing that the Royal Pardon has never been apart from the Royal Thai monarch since the first era in Thai history (Jayaphorn, 2011). To briefly put, it is a principle that the H.M. King is the fountain of justice and the supreme judge. He at the same time has the sole power to both punish and pardon.

³³ Classes are an important component of convicted prisoners which come into effect once their cases become final until the termination of their sentence terms. Under Article 32 (2) of the Penitentiary Act, B.E. 2479 (1936), there are two types of the class promotion: regular and special. The regular class promotion is under the power of the prison director to establish 'the prison's consideration committee' by appointing at least three prison officers (not less than experienced level) to be the Chair and the members of the committee to consider the class promotion based on the criteria stipulated by the Department of Corrections. It normally holds twice a year at the end of June and December. The special class promotion is under the power of the Director General as requested by the committee of each prison to promote the class of certain prisoners who have performed prevalent behaviours such as assisting the staff to deal with many types of dangerous and harmful incidents, including the escapes, riots and disturbances, fire and so on. On the contrary, if a prisoner breaks prison rules or regulations, his or her class will be retrograded at least one or more levels depending on the violence of the wrongdoing.

Generally speaking, there are two categories of the Royal Pardon in Thailand: '*the collective*' and '*the individual*'. While the first type is granted to a collective group of prisoners on auspicious and momentous occasions, namely H.M. the King's and H. M. The Queen's birthdays, or H. M. The King's anniversary celebration of enthronement, the latter is given to an individual prisoner when either his relatives or he himself have submitted a petition to H.M. the King via the DOC and MOJ.

In terms of the process, it is stated in the section 261 bis. Of the Criminal Procedure Code, that the Cabinet may submit to H.M. the King a recommendation for the granting of a collective Royal Pardon. Accordingly, when there are significant national events approaching, if the Cabinet members decide to propose the Royal Pardon Decree, the Cabinet will prepare a draft and proposal for H.M. the King for promulgation. All of these procedures are undertaken by the Thai authority without requiring any actions by the prisoner.

Conversely, for the individual Royal Pardon, the convicted prisoner or other concerned persons such as his/her family and relatives, as well as diplomatic representatives in the case of foreign inmates, will submit the petition through the relevant government agencies: the prison authority, the MOJ, the Office of H.M.'s Principal Private Secretary, the Ministry of Foreign Affairs or the Embassy of his/ her country. After receiving the petition, the DOC and prison authority will prove the accuracy of the prisoner's information and forward the petition and a recommendation³⁴ to the Minister of Justice, who then proposes the petition to the Secretariat of the Cabinet and the Office of H.M.'s Principal Private Secretary in order to finally propose the petition to H.M. the King.

³⁴ The detailed recommendation particularly includes the inmate's behaviour and personal virtues that he/she has practised while in prison, together with an analysis of his/her criminal motivation and any other relevant information.

Normally, when H.M. the King has made a decision on the petition, the DOC will be informed and it will then take action on the final decision (DOC, 2007a). It is worth mentioning that the individual Royal Pardon is regularly called *'the last hope'* of death row inmates, whose sentences have already been finalised by the Supreme Court, meaning that they must be put to death by lethal injection³⁵. The only way to survive is to submit a petition to H.M. the King and ask for their lives³⁶. In the case of the collective Royal Pardon, this is also recognised as *'the only hope'* of all inmates. The interviewees said that they waited for news of the collective Royal Pardon every year, especially when there might be special occasions or events of national celebration.

'We all wait for the Royal Pardon. If there's a rumour that this year's gonna have the Royal Pardon, everybody'll wait for the news every day. It's my hope that I could get out. To be prepared, the inmates will try to keep their "good class"³⁷ status in order to be eligible for the Royal Pardon...' (Inmate: H)

However, some years, the inmates' hopes of receiving the Royal Pardon are destroyed.

'Some prisoners are full of hope and attached too much to the belief that the King and the Queen will grant the Royal Pardon every year on their birthdays. In fact, it depends on their decisions. An inmate I knew here suddenly died from Cerebral Haemorrhage. He had only two more years to serve, but he thought that he would be released soon if he received the Royal Pardon. Unluckily, that year there was no Royal Pardon, either on the King's or the Queen's birthday. So, he was extremely shocked and then passed away.' (Inmate: G)

Another important point regarding the Royal Pardon is that in a case of the collective pardon, this does not mean that the inmates receive the same benefits. Technically, the Cabinet, who prepares the Royal Pardon Decree, indicates the criteria of the qualifying convicts. For

³⁵ After previously applying the firing squads for a long time, the lethal injection has been the instrument of execution of capital punishment in Thailand since 2002.

³⁶ Up until now, there has been both acceptance and denial of the petitions. As a result of the latter case, the execution of the prisoner whose petition is refused shall be immediately carried out on the day of receiving the notification of the petition.

³⁷ There are six classes of convicted inmates in Thailand: (1) excellent, (2) very good, (3) good, (4) moderate, (5) bad and (6) very bad. A new prisoner will automatically be classified as moderate. If he/she does not break the prison rules and shows good behaviour, his/her class can be upgraded when there is a meeting for class consideration of the committee in the prison.

example, a group of inmates sentenced for drug offences and murder will be granted a one-fifth and one-third reduction in their sentences respectively, while other offenders' sentences will be reduced by half. On some occasions, it might be indicated that drug offenders will not qualify to receive the Royal Pardon. Also, the Cabinet can limit the privileges of the Royal Pardon to a group of drug offenders who were arrested with less than a particular amount of narcotics.

In the interviews, all prisoners appeared to be completely frustrated with this issue, as they believed that the 2003 drugs war policy affected the decrease in their Royal Pardon privilege.

'A major drugs war impact in my opinion is the lessening of the benefit of the Royal Pardon. I don't understand why other prisoners could obtain more reduction in their prison sentence. I think it's not fair for us. Do you know that even a murderer will be released before us?' (Inmate: C)

It should be noted that, when the government launched the policy on February 1st 2003, a drug dealer was presented publicly as an evil or bad person, who should not receive any clemency. Moreover, the government believed that this '*deterrent*' concept should be clearly adopted. The inmates raised the issue of the '*evil*' or '*dangerous*' image of inmates convicted of drug related offences during the interviews. This could be considered as a '*psychological impact*' because of the fact that they did not agree with the media and the government, who portray them as the most dangerous criminals or as enemies of the country.

During and after the war on drugs, they believed that 'the public, including neighbours and friends, tended to have a negative attitude towards their lives' (Lhapthananon, 2007: 64), and occasionally their families, who were then treated differently, due to their family connection. In one case, an interviewee told me that his brother-in-law did not want his wife, who was his sister, to come to visit him in prison. The temporary end to this relationship came from the fear that police officers or the authorities might link the family relationship and investigate his

brother-in-law's business further, for which he had evaded paying income tax. He continued the conversation, saying that:

'My younger brother already passed away, so there's only me and my older sister. Most of my relatives have never known that I'm here because my sister told them that I was abroad. She couldn't tell my uncles or aunties because I was convicted for a drug offence. Her children who are my niece and nephew also don't know that I'm in prison. My brother-in-law has never come to visit me. The sad thing is that my children could not even stay with my sister because she didn't allow them. She did not want other people to ask any questions about my children or where I am now...' (Inmate: A)

Due to this negative and evil image, the government decided to re-draft the Royal Pardon Decree, by amending some of the criteria for inmates who would have automatically qualified for petitions for receiving the Royal Pardon. In other words, it became tougher for drug offenders to be granted Royal Pardons; besides, the key advantage in obtaining the Royal Pardon for them, was changed to their disadvantage and they were entitled to less benefits than prisoners who had committed other types of crimes.

To illustrate, in 2004, when there was a collective Royal Pardon on the occasion of H. M. The Queen's 72nd birthday celebration, inmates sentenced for drug offences received a 1/5 reduction in their prison sentence (see Table 5.1) while other prisoners obtained ½ and 1/3 reductions in their sentences. This meant that prisoners who had been incarcerated for drug offences would be imprisoned for longer than other inmates, even though they had originally been sentenced to the same length of imprisonment. This was supported by this comment from one inmate:

'I think now I have been affected by the war on drugs in terms of the Royal Pardon in which that I've gained very little privilege. If you look at prisoners committing other types of crimes such as murder, they receive like 1/5 but drug prisoners got 1/8. On average, drug inmates will be in prison for more than twenty years but killers might be imprisoned for only fifteen years. This is a major impact for me.' (Inmate: A)

To compare the privileges of the prison inmates in terms of the Royal Pardon, the Royal Pardon Decrees enforced between 1996 and 2010 have been examined. It was found that there were six Royal Pardons to celebrate various significant occasions and auspicious national events of the King and Queen. According to the Royal Pardon Decrees B.E. 2539 (1996), B.E. 2542 (1999), B.E. 2547 (2004), B.E. 2549 (2006), B.E. 2550 (2007) and B.E. 2553 (2010), there are some differences in terms of prison sentence reduction, as described in Table 5.1.

The variation of the Royal Pardon Decrees can be explained by the government policy and the social perspective on illegal drugs. It is believed that the leniency towards drugs offenders significantly varies according to the situation of drug problem. The 1999 Royal Pardon Decree which did not give the drug inmates any reduction of sentence supports the line graph in Figure 4.5 which shows the alarming rise in the number of convicted prisoners committing offences against the narcotic laws. However, it should be noted that although the Royal Pardon Decree is normally proposed by the Cabinet, the privileges and proportion of the sentence reduction are actually from careful consideration and in-depth discussion among many parties, namely the Office of H.M. Principal Private Secretary, the Court of Justice, Ministry of Justice, Ministry of Interior, Ministry of Defence, and the DOC.

Table 5.1 Comparison of privileges given to prison inmates³⁸ in six Royal Pardon Decrees, 1996 – 2010

Royal Pardon (year/occasion)	Privileges of Prisoners committed: (reduction of prison sentence)		
	Offences against Narcotics Laws	Specific offences ³⁹ (indicated in the Royal Pardon Decree)	Other offences
1996 (celebration of the King's 50 th anniversary of his accession to the throne)	<ul style="list-style-type: none"> - ¼ reduction of prison sentence (in cases of drugs users and possession of drugs) - 1/5 reduction 	¼ reduction	½ reduction
1999 (the 72 nd Birthday of the King)	- No reduction	1/3 reduction	½ reduction
2004 (the 72 nd Birthday of the Queen)	<ul style="list-style-type: none"> - 1/5 reduction (whose prison sentence was less than eight years) - 1/6 reduction (whose prison sentence was more than eight years but he/she must have been convicted <u>before</u> the enforcement of the previous Royal Pardon Decree in 1999) - <u>No reduction</u> (whose prison sentence was more than eight years and he/she must have been convicted <u>after</u> the enforcement of the previous Royal Pardon Decree in 1999) 	1/3 reduction	½ reduction
2006 (celebration of the King's 60 th anniversary of his accession to the throne)	<ul style="list-style-type: none"> - 1/5 reduction (whose prison sentence was less than eight years) - 1/6 reduction (whose prison sentence was more than eight years but he/she must have been convicted <u>before</u> the enforcement of the previous Royal Pardon Decree in 2004) - <u>No reduction</u> (whose prison sentence was more than eight years and he/she must have been convicted <u>after</u> the enforcement of the previous Royal Pardon Decree in 2004) 	1/3 reduction	½ reduction

³⁸ The convicted prison inmates who are classified in an 'Excellent Class' in prison

³⁹ The type of offence might vary in each Royal Pardon Decree, but this group was generally composed of: offences against life and body; sex offences; offences against property; arson offences; and offences against forestry and National Parks laws and so on.

2007 (the 80 th Birthday of the King)	<ul style="list-style-type: none"> - 1/7 reduction (whose prison sentence was less than eight years) - 1/8 reduction (whose prison sentence was more than eight years but he/she must have been convicted <u>before</u> the enforcement of the previous Royal Pardon Decree in 2006) - <u>No reduction</u> (whose prison sentence was more than eight years and he/she must have been convicted <u>after</u> the enforcement of the previous Royal Pardon Decree in 2006) 	1/5 reduction	¼ reduction
2010 (the King's 60 th anniversary of royal coronation)	<ul style="list-style-type: none"> - 1/7 reduction (whose prison sentence was less than eight years) - 1/9 reduction (whose prison sentence was more than eight years but he/she must have been convicted <u>before</u> the enforcement of the previous Royal Pardon Decree in 2007) - <u>No reduction</u> (whose prison sentence was more than eight years and he/she must have been convicted <u>after</u> the enforcement of the previous Royal Pardon Decree in 2007) 	1/5 reduction	¼ reduction

Source: Royal Thai Government Gazette Section, the Secretariat of the Cabinet

In Table 5.1, compared to prison inmates sentenced for other offences, prisoners sentenced for drug offences usually received fewer privileges, both before and after the war on drugs policy. This finding appears fairly similar to the opinions of the interviewees. The Royal Pardon Decree in 1999 tended to grant prisoners sentenced for drug offences the least amount of privileges. In all six royal pardons, it was announced that all prison inmates involved in crimes against the drug and narcotics laws would not get any reduction in their prison sentence. With this in mind, it is somewhat understandable why the interviewees specifically mentioned that after the declaration of the war on drugs policy, their privileges worsened.

First of all, of the twenty interviewees, only four of them had been imprisoned before 1999, while the others were sent to prison after the 1999 Royal Pardon Decree, which meant that the latter prisoners had no idea about the worsening of their situation, in the sentiment of '*no reduction in the sentence of drug prisoners*'. In the Royal Pardon Decrees, which had been in force since 2004, there were apparently more restrictions and an increase in the specific conditions than there had been in the previous Royal Pardons. To clarify, prisoners sentenced for drug offences were classified into several groups, which in turn received different privileges, but all of them were still worse off than other types of prisoners. It appeared that the proportion of prison sentence reduction for prisoners sentenced for drug offences had been relatively less, decreasing from 1/5 in 2004 and 2006 to 1/7 in 2007 and 2010 respectively for a group of convicted drug offence inmates sentenced to less than eight years imprisonment. Accordingly, the change in this privilege could result in the fact that the prison inmates sentenced for drug related offences have to serve a longer time in prison, and that their hopes of early release from prison due to intervention by the Royal Pardon, could fade.

Less privileges for prisoners sentenced for crimes against the narcotics laws, raises the interesting point of identity behind bars, which can make prison life more difficult. In England, it is argued that the racial identity of prisoners to some extent can have an impact on their prison life. According to Phillips (2012: 147), the '*Race Review*' of National Offender Management Service, reported that 'the black prisoners are still more likely to have force used against them, to experience punitive segregation, and to be on the lowest level of privilege (basic)'. However, in Thailand, it could be said that the populations both in wider society and inside the prison world are not racially, ethnically and religiously diverse⁴⁰. According to the National Statistical Office, the 2010 population and housing census indicated that 95.9 per

⁴⁰ However, in the southern part of Thailand, there is a conflict between Thai Buddhist and Thai Muslim citizen but the scope is limited to only three provinces which are situated near Malaysia.

cent of population in the Kingdom of Thailand consisted of Thai nationals, while the rest were a combination of Burmese, Laotian, Cambodian and Chinese. Besides, most Thai people or about 93.6 per cent were Buddhist. The Muslim and Christian populations comprised 4.9 and 1.2 per cent respectively (National Statistical Office, 2010). As such, the attribute of inmates that can lead to different experiences and privileges behind bars is indeed their status as prisoners who have committed crimes against the narcotics laws.

From the findings, the identity of being a drug prisoner did not directly cause physical hardship, but it was the mental or psychological aspect, in which the drug prisoners acknowledged that they had to be in prison longer than prisoners who had committed other types of crimes. Interestingly, some of the interviewees indicated that before being sent to prison, they had never known about this inferior status. In fact, they thought that if they were well behaved in prison, they would get more privileges than other inmates without any connection to the type of their offence.

'Honestly, I had never known before that the drug offenders would receive such a small privilege, less than the others. I initially thought that we would get the same rights, I mean there might only be differences due to the Class of Prisoners, whether they were well behaved in prison or not. Perhaps if a drug offender outside knows this limitation, I think there's a chance that he might hesitate to commit drug crimes.' (Inmate: O)

As a consequence, even if they are good inmates and do not break the rules, the fact that they were sentenced for drug crimes could increase their pains behind bars and also their frustrations over the inequalities of the Royal Pardon privileges. More importantly, this identity of the prisoner could not be changed.

5.3: Inmate cultures

According to Welch (2011), the term 'culture' refers to shared or common ideas, beliefs, dogma, ideology, values, customs and language. Since the inmate social system exists as a

mini-society, 'the inmate culture is more accurately termed a subculture (Welch, 2011: 135). This subtopic tended to produce plenty of useful material owing to the fact that the interviewees were obviously keen to express their opinions. In addition, there are not many reviews of Thai inmate subcultures. The existing studies tend to focus on each of the inmate cultures, such as tattoos and the language behind Thai prisons. It seems difficult to find literature that discusses and identifies all of the cultures of inmates in Thailand within the same research.

In the Thai prisons, the subcultures that were often mentioned by the inmates were: betting or gambling; tattoos; prison languages; and coffee drinking. It should be noted that in the WCID, which was the only women's prison in the fieldwork, some of inmate subcultures were similar to those in the male prisons.

5.3.1. Gambling

Although there is a universal principle that gambling or betting activity is regarded as a forbidden practice in correctional settings, it can still play a significant role in the prison life. According to the book *'Asylums'* by Goffman (1961: 55), gambling is one of the typical infractions involved in *'messaging up'* in prison, besides fights, drunkenness, attempted suicide, homosexuality, and participation in collective riots. To explain, *'messaging up'* involves a complex process of engaging in a forbidden activity, getting caught, and receiving full punishment.

Furthermore, he suggested that betting activities could be considered as *'a type of removal activities'*, which could make time in prison more interesting and exciting. To put it simply, removal activities can kill the painful time experienced by prisoners in totally enclosed institutions. For Goffman (1961: 56), some removal activities were collective, such as field games, dances, orchestra or band playing, choral singing, lectures, art classes or woodworking

classes, and card playing. Some of these activities, for example, gambling and homosexuality, constituted 'secondary adjustments': practices that do not directly challenge staff but allow inmates to obtain forbidden satisfactions or permitted ones by forbidden means. It is believed that secondary adjustments provide the inmate with important evidence that he is still his own man, with some control of his environment.

In my study, it was found that betting activity had become a familiar activity for inmates in every prison in Thailand. According to Goffman's argument, the role of gambling in Thai correctional institutions could also be recognised as secondary adjustment, in the sense that it is a forbidden practice that does not directly challenge the staff. In addition, according to my interviewees, it could clearly help the inmates to kill their boredom. Nevertheless, it is worth discussing that this betting activity, in reality, might also reflect Thai culture; gambling is very popular among Thai people in society generally.

Gambling is a cultural, social and economical activity, which has been part of the way of life of Thai people in all social classes and occupation groups for a long time. Currently, there is legal gambling which is the National lottery, and also illegal betting activities, including the underground lottery, football gambling, casinos and so on (Thongkham and Thitiraweewong, 2010). It is estimated that approximately 70 per cent of adults⁴¹ gamble regularly (Phongpaichit, 2000).

Interestingly, in the interviews, I realised that the Thai inmates would do anything for a bet. Some of them mentioned counting the total number of airplanes flying in the sky over the establishment. Some of them told me stories of taking a bet on either the right or left side of

⁴¹ However, recently, young people, especially teenagers, have been involved with football gambling more and more due to the belief that they could become rich easily by making a lot of profit from a small amount of betting money (Nakornthap, 2006 cited in Thongkham and Thitiraweewong, 2010).

the prison guard's foot; which first stepped into the unit on that day. They might even bet on the weather conditions, whether it would be raining or not. In other words, Thai inmates did not need cards or betting equipment; they could still find ways to gamble.

The deal for the bet would range from some cigarettes, which were the most popular underground currency in many prisons (Welch, 2011), to large amounts of money, which were transferred by friends or relatives into the inmates' bank accounts outside. Undeniably, the gambling could cause fights between prisoners, in particular when they did not pay the debt. The prison officers believed that it was very hard to prevent gambling in prisons. Normally, if the staff found cards or any other instruments of gambling, they took them away and penalised the prisoners involved as they were regarded as contraband. Nevertheless, as previously discussed, the inmates gambled in many varied ways, which left the officers with no evidence with which to make an arrest.

'Gambling is always with the world. It won't disappear for sure. In prison, we can take any kind of bet. Do you see the Tamboline tree over there? You can go there and pick one small branch off the tree. Then you can count the total number of the leaves together with your fellow inmates whether it is even or odd number... I admit that it's a kind of culture but it doesn't mean that everyone in this prison likes to take gamble.' (Inmate: E)

In the WCID, the interviewees also mentioned gambling as one of the prison cultures, but they insisted that it had almost disappeared, as explained below:

'In the past, I saw gambling in prison. They cut thick paper and made it into cards. But now I don't see it anymore...' (Inmate: S)

Although gambling has been one of the inmate cultures in Thai prisons for a long time, there might have been some changes after the war on drugs. Some interviewees argued that the value of the stakes had increased significantly to about a million baht (£20,000) for each deal:

'If the inmate is rich, he can spend big money on gambling in prison. Normally, prisoners tend to gamble with cigarettes, cash coupons, or a pack of coffee, but at BCP, some inmates spend about a million baht in each gambling session. They play it seriously. When they pay

the debt, they let people living outside pay by cheque. They are very rich from drug trading inside prison...' (Inmate: N)

Again, it is worth remembering that the gambling habit has been present inside the prisons, as one of Thai inmate subcultures, both before and after the war on drugs policy. As such, there is no clear indication of any change after the drugs war, but it is believed that the stakes might be higher than in the period prior to it. More importantly, gambling debt can lead to conflicts and physical fights between prison inmates.

5.3.2. Tattoo

Tattooing has been popular and has become an integral element to the prison subculture among Thai inmates, although tattooing in prisons is prohibited. If the prison guards have enough evidence that the inmates have had a tattoo done behind bars, they will be penalised. According to Article 114 of the Ministry of Interior's Ministerial Regulation issued under the Penitentiary Act B.E. 2479 (1936), tattooing is considered as a violation of disciplinary rules, and the prison director can prescribe any appropriate penalty, except whipping⁴².

Tattoos are common among prison inmates, and in approved schools and remand homes (Haines and Hoffman, 1958; Lepine, 1969 cited in Measey, 1972), and gangs have long used tattoos to signify membership (New Jersey Department of Law and Public Safety, 2007; California Attorney General's Office: 2009). Indeed, there have been various studies regarding tattoos and social deviants, criminals and prisoners. Verberne (1969) suggested that the interpretation of the psychological meaning of tattooing and its link with social deviance, showed some degree of consensus, in that the practice was associated with certain beliefs, such as an inadequate or threatened sense of self, a wish to identify with others specifically by

⁴² The Penitentiary Act B.E. 2479 (1936) stated that the disciplinary punishment included: remittance of punishment, degrading of inmate's class, restricting visitation rights, cancelling the good day allowance and other privileges, whipping, solitary confinement and so on.

joining a group, a need for a status symbol, a need to demonstrate courage, dedication and other 'masculine' traits, a rebellious attitude towards authority, and an erotic significance (Bloch *et al.*, 1958; Edgerton *et al.*, 1963; Ellis, 1890; Hambly, 1926; Hamburger, 1966 cited in Verberne, 1969). Rozycki Lozano *et al.* (2011) argued that inmates with visible tattoos and antisocial-themed tattoos were at greater risk of recidivism and received more disciplinary infractions than inmates without visible or antisocial-themed tattoos.

In Thailand, Suvarnabhum, Boonsorn and Tehkanmag (2007) studied the causes and social effects from the tattoos of twenty-two prisoners in Lopburi Central Prison. The findings were that the major reason why they had decided to have tattoos on their bodies was because they admired the beauty of the tattoos. Also, some of them had tattoos in order to remind them of their prison life, while several inmates wanted to get tattoos due to the symbol of becoming a member of a group in prison. Interestingly, during their study at Lopburi Central Prison, they stated that 'there were in total 1,575 male inmates at the establishment, while 1,009 of them had tattoos on their bodies' (Suvarnabhum *et al.*, 2007: 159). However, the research did not emphasise how many of them had had their tattoos done behind bars, or before entering the prison world.

In fact, the Medical Correctional Institution (MCI)⁴³ (2008), collected data from the 10,544 prisoners who came to receive a medical check-up and chest X-ray at MCI between November 1997 and October 2002. It found that 5,311 of them had tattoos. Among these, 2,983 inmates had had their tattoos done in prison while 404 prisoners had their tattoos both before and during their incarceration.

⁴³ The Medical Correctional Institution (MCI) is the only one hospital for prison inmates in Thailand. Normally, each prison has their own medical unit which can provide the inmates with some basic medical services. However, in case that the prisoner is seriously ill, he/she will be transferred to the MCI in Bangkok.

Another research study on tattoos among prisoners in Thailand was conducted by Ratanavechuan (1998). Her interviews with 322 inmates with tattoos at Klongprem Central Prison indicated that the main reason for tattooing was beauty rather than superstition. According to my findings, similar to some of the key reasons found at Lopburi and Klongprem Central Prisons in the previously discussed studies, some people in prison had had tattoos done just because they liked them as body art. This group tended to already have tattoos before entering prison. Moreover, the other crucial reasons why the inmates liked tattoos were that, firstly, some prisoners wanted to show their masculine strength. This group of inmates believed that if they kept their bodies clean of tattoos, other inmates might perceive that they are weak people and then they would become victims of abuse, physically, mentally and sexually, in the prison.

This belief is similar to the findings of Wooden and Parker (1982). They argued that the heterosexual convict's image of machismo was chronically overplayed in many ways – their style of walking, mannerisms, speech patterns, tattoos and pumping iron. In other words, tattooing was another statement of manhood. The tattoos of the inmates in their research setting, which was a medium-security penal institution in California, were quite *'garish and gruesome'*:

They include heavily muscled and bearded Vikings, spider webs on the elbows, *"Fuck the world"* slogans, names of hometowns or barrios in large letters across the shoulders and back or stomach, skulls and crossbones, and decapitated heads dripping blood (Wooden and Parker, 1982: 17).

According to Suvarnabhumi et al. (2007), the participants in their study at Lopburi Central Prison had many designs of tattoos, such as dragons, eagles, snakes, evil, tigers, spiders' webs, women and flowers, as well as some messages and also people's names. Interestingly, most of them were not able to explain the meaning of these tattoos (Suvarnabhumi et al, 2007: 162). In

other words, they had had these tattoos done because they liked the designs, not because there was a significant hidden meaning behind the tattoos.

Crucially in Thailand, apart from wanting to appear '*strong or machismo*', some Thai prisoners had tattoos because of their belief that they would be protected and saved by a god, goddess or angels, especially those who had tattoos of guardians on their bodies. Typically, the tattoos done in prisons are unique and different from those done outside, in terms of the clear lines and colours, which are due limitations of the equipment. The MCI (2008) concluded that tattoos done inside Thai prisons tend to show inconsistent and patchy lines as the inmates have to do them by hand with adapted tools, which do not poke the ink under the same layer of skin. In U.S. prisons, electric tattoo needles are made from the motors of eight-track tape players (Wooden and Parker, 1982). Similarly, in Thailand, the tattoo ink is adapted from the ink of ballpoint pens,⁴⁴ which the prisoners usually use for writing on paper. As a result, the tattoos done inside Thai prisons are always blue or black.

Inmate C, who was one of my interviewees, also had tattoo done on his body whilst behind bars. He explained to me that:

'Tattooing is a kind of culture. Actually, I got my tattoo inside prison. When I did it, I was full of stress due to the fact that I had been just found guilty by the Supreme Court. I mean my status had changed to be the actual convict and I must be here for a long time. So, I started to read many books on Guan Yin⁴⁵ and I had a strong belief in supernatural power. I became obsessed with her teaching and her story. Then, I decided to have the tattoo of her picture and the dragon. It was my first tattoo ever in my life. When I think of it now, I feel that I shouldn't have done it (laugh). In here, most teenagers like to have a tattoo in order to show other people. For adults, they consider it as an art and beauty. Anyway, it is prohibited to have tattoos in prison, so you must not let the staff see it.' (Inmate: C)

⁴⁴ It is claimed that the inmates usually use a German branding company's, 'Rotring' ink pen, to do tattoos (MCI, 2008).

⁴⁵ Guan Yin is a goddess in Chinese Buddhism.

In this case, the tattoo of a goddess in Chinese Buddhism on the body of inmate C could be linked to the belief that some tattoos are done as a magic ritual to express strength and at the same time, to ward off evil (McKerracher and Watson, 1969).

5.3.3. Drinking coffee

At first it might seem strange to consider whether this should be recognised as a prison subculture or not. Nonetheless, the majority of interviewees, both male and female prisoners, mentioned it.

'One of the prison subcultures that I notice is "drinking coffee". When I was at Thonburi Remand Prison, in the morning, everyone was drinking coffee while discussing many topics. Actually, before being incarcerated, I was not a coffee drinker because I did not like the taste and smell. But now I drink it every morning; it's something I learn from being here.'
(Inmate: B)

In fact, central to this conception is that drinking is an aspect of culture. Heath (1987: 46) believed that in most societies, drinking was essentially a social act and, as such, it embedded a 'context of values, attitudes, and other norms which can constitute important socio-cultural factors' that influence the effects of drinking. For Gusfield (1987) also, drinking was a form of ritual that had a symbolic meaning. For example, he treated alcohol and coffee as two opposing pointers. Coffee cued the shift from playtime to work-time and alcohol cued the transition from work to playtime.

Normally, coffee drinking symbolically represents several aspects, apart from the passage to work. In the folklore of drinking, there is a belief that coffee is an agent of sobriety and is widely accepted as the opposite of alcohol:

It is what the workers and professionals drink on a 'break' or sip alongside their work. Although physiologists disclaim the ability of coffee to eradicate the effects of alcohol, it persists as the symbol of contrast – the food with which we return from the world of leisure to the world of work (Gusfield, 1987: 83).

In the prison world, some drinks are seriously prohibited in prisons, especially alcohol. The culture and ritual of drinking behind bars tends to constitute the types of drink that could be found in correctional institutions. In the case of Thai prisons, coffee has become the major drink, which has been widely embraced as a culture and ritual of the prisoners. It seems, moreover, that coffee drinking has replaced the role of alcohol drinking in prisons, in terms of its value in the promotion of sociability.

Coffee was consumed every morning as 'a wake-up drink and used as a stimulant throughout the day' (Thornton, 1987: 104). In parallel, in Thai prisons, every morning after the inmates went downstairs from their sleeping halls, they usually drank a cup of coffee together with other inmates in their 'house' (to be explained in Chapter 7) or group and discussed various topics with each other before going to work or doing their activities according to their daily schedule. Therefore, the inmates who did not drink coffee could feel like the 'black sheep' of their group; besides, some inmates claimed that the coffee helped them to stay alert, particularly those who could not sleep well at night but had many activities to do the following day.

In the WCID, drinking coffee was also considered as the subculture. Some opinions of the female inmates were that:

'Yes, it could be a subculture. I drink coffee every morning; otherwise I'll have a headache. I have got my own recipe: exact number of spoons of coffee and sugar and creamer to make it...' (Inmate: R)

'I learned to drink it in here and now I swig it in the morning. In fact, coffee could be consumed in many ways in prison. Some inmates like to chew and swallow the pure coffee ground/powder, while some people drink it by mixing it with Cola or soft drinks. The inmates will make the latter recipe to drink on a special occasion, for example, on New Year's Day...' (Inmate: S)

Inmate S's conversation expands on the idea that 'drinks can point to a time of day, or to a location in the week or year' (Gurr, 1987: 231). In this case, the drinks mixed to a special formula – cola and coffee – by the female prisoners, indicated a celebration of the New Year.

5.3.4. Language and argot

Prison argot is a form of slang, sometimes unique to the prison but normally borrowed from external cultures, which describes the world from the perspective of the prison (Crewe and Einat, 2008). In Israeli prisons, Einat and Einat (2000) argued that there were some identified categories of argot terms: those concerned with prisoner status (informers, inmate rank); those describing drugs; those terms used to describe sexual relations in prison; the terms describing types of violence; and the nicknames for prison staff. Indeed, one major theme reflected the importance of loyalty to inmates.

In the *'Society of Captives'* by Sykes (1958), many argots were used to tag the distinctive social roles and some patterns of behaviour in the New Jersey State Prison. To give some examples, *'the rat'* was the label given to a man who betrayed his fellows. In addition, *'the gorilla'* represented an inmate who took what he wanted from another by force, while *'the ball buster'* was used to label an inmate who was blatantly disobedient, and committed physical and verbal assaults on the officials creating a constant disturbance.

Concerning the language or prison argot in Thailand, I have often been told that Thai inmates previously had a specific language that they spoke inside the prisons. It was called *'Pha Sa Ma'* or *'horse language'*. The inmates used this language to communicate with each other, by dividing every syllable into two more syllables. The first syllable comes from adding the

phonics pronunciation to 'S', which combines with the vowel of the original syllable. Then the second syllable is formed from the consonant letters pronounced as 'or'⁴⁶.

However, it has been found that the horse language has almost disappeared from Thai prisons. Specific words or a prison argot have become increasingly popular. In other words, the inmates tend to use some words that do not have the same meaning when they are used outside to communicate with each other. For instance, the word '*leak*' ('*ruo*' in Thai) will mean, inmates who are mentally ill and cannot control themselves. They usually talk to themselves, go and dig the ground or climb in the trees. Most of them are those who cannot accept their status as prisoners and cannot adapt to the world behind bars. There are also many other words, such as, '*Turn*' ('*leow*' in Thai), which are used to describe the inmates' wives, girlfriends and lovers who leave them after being sent to prison.

According to Crewe and Einat (2008: 17), 'much contemporary prison argot relates to drugs and the practices and status of drug users and dealers'. This trend has also occurred in Thailand to some extent. While the horse language seems to have disappeared, some new words have been used increasingly to refer to contraband, especially mobile phones and drugs. The obvious reason for this is that the inmates do not want the prison guards to understand and know that they have taken possession of any kind of contraband. As stated by the inmates, mobile phone is mostly replaced by the word '*bird*' ('*nok*' in Thai) and if an inmate says '*a bird cannot fly*', then the hidden meaning is that the cell phone does not have a battery. Likewise, the secret meaning of words can be found in the writing of codes in a note or a letter.

⁴⁶ To briefly illustrate, if an inmate wanted to ask his friend where he was going, he should say: '*where are you going?*' translated in Thai as '*Ja Pai Nai?*'. But in the horse language, the inmate will say: '*Sa Jor-Sai Por-Sai Nor?*' (instead of asking '*Ja Pai Nai?*') or '*Seə(r) Wor – Sə: (r) Ar – Sju Yor - Soʊ Gor Si ŋ Eing*' (where are you going) in English pronunciation.

Buranaprasertkul (2002) argued that prisoners' slang words could be divided into twenty-seven categories, of which the most significant was the slang related to drugs and alcoholic drinks. The other prevalent categories of slang included words referring to persons in prison and also the violation of the prison rules and regulations respectively.

This style of language and the hidden meaning of words were also discussed by my interviewees in the women's prison. However, in the WCID, there was a '*symbolic hand language*' that was used by the inmates to communicate with each other. The hand language was like a sign language, made with the hands, without speaking any words. It is believed that the sign language originally came from the prisons that had a women's unit annexed to the men's. Although the units were separated clearly, there were still some areas in which male and female inmates could be within sight of each other. Accordingly, they created the sign hand language in order to communicate with each other.

'The inmates have a strange body language. They like to communicate with their hands especially in the evening when we're taking them upstairs to the cells to go to bed. The inmates in this building might give the inmates in the opposite building a sign ...' (Officer: T)

During the interviews, one inmate showed me some examples of the sign hand language:

'There are many meanings of the hand languages. For instance, this (two crossed hands placed on the chest) means "hug"... other signs mean "love you so much", "miss you" or "my darling" ...' (Inmate: P)

In brief, it is believed that the language or argot in Thai prisons has been regularly connected to drugs and contraband in prison. A language or hidden codes might be developed for communication between drug dealers. The DOC (2009b) undertook a research project entitled '*Measures on Controlling High-profile Illegal Drug Prisoners*', which found that prison inmates used several words to refer to illegal drugs (DOC, 2009b: 76):

The Big Thing (*Tua Yai* in Thai) means ICE or Crystal Methamphetamines Hydrochloride while the Small Thing (*Tua Lek* in Thai) refers to methamphetamine. On some occasions, they might change it, and refer to ICE as a Fragment of Glass (*Ses Kaew* in Thai) and Powder (*Pang* in Thai) for heroin.

It is not conclusive that these codes were developed after the war on drugs because it is believed that drugs and drug dealing have been inside Thai prisons for a long time, more than two decades. As a consequence of this, the words used to refer to drugs existed for a long time before the war on drugs initiative.

As previously discussed, according to the interviewees there were numerous inmate subcultures in Thai prisons, including gambling, tattooing, coffee drinking, as well as the specific language; but, in the interviews with the prison inmates, there was no explicit mention of the impact of the war on drugs policy upon this aspect of their lives. Nevertheless, some issues can be linked indirectly.

In summary, this chapter has unpacked various aspects of the lives and experiences of Thai prison inmates, starting from the first day they are sent to be detained behind bars. Once they start their lives in the prison world, they have to learn the prison subculture and regulations. It should be highlighted that some experiences of the inmates explored in this thesis are similar to those of prisoners in other countries, such as their sense of loss and concern for their families. However, the typical experiences of the prisoners in Thailand are the prison restraints and the Royal Pardon, which the interviewees commonly have to go through inside Thai prisons. Another unique feature is the types of cultures, such as gambling and coffee drinking, which were found to be the dominant prison cultures behind bars. Nonetheless, when the government declared the drugs war in 2003, the prison inmates' lives and experiences were affected in many negative ways, including their privileges and daily lives in prison, particularly the prison searches and the limitations with regard to their right to

receive parcels and food items during visits. The most crucial effect was the identity of the drug inmates, which has caused them greater pains of imprisonment, in particular with regard to the privilege of the Royal Pardon and the desperate hope that they have that they will be released from prison.

Chapter 6 Exploring the Prison Officers' World

In the world behind bars, apart from the prison inmates who have already been discussed in the previous chapter, the prison officers are another group of individuals who play an important role, although it seems to be widely accepted that the study of prison staff's lives and experiences has been comparatively ignored and 'has been paid considerably less attention in academic literature' (Coyle, 2005b:82).

In fact, there are many aspects of a prison officer's life that are interesting and certainly worth exploring. To give some examples, the prison officers tend to be behind prison walls longer than some of the inmates and, therefore, can create a unique society, go through various challenging experiences, and become a factor affecting the atmosphere in prisons. Furthermore, without regard to the difference in social status and the prison officers' responsibilities in line with the law, the prison officers' lives appear to be basically similar to those of the prison inmates in terms of the fact that both are groups of human beings, spending days and nights in the same setting and environment with the same group of people. As the individual prisoners' lives and experiences were observed in the previous chapter, it might be intriguing to observe the consequences of the war on drugs on another group of individuals in the prisons, the prison officers.

Prison work in Thailand has some attributes that seem different from other countries. First of all, with regard to recruitment, neither the prison authority nor the DOC has full power and responsibility to recruit the staff. In England and Wales, according to McHugh, Heavens and Baxter (2008), the Prison Service has attempted over the last decade to place recruitment closer to the point of service, which is different from the early period when it was centralised and positions were advertised nationwide. Currently, each prison is responsible for recruiting

its officers by advertising in the local job centres and people wishing to apply must contact the prisons directly. On the contrary, in Thailand, the initial process of recruiting prison guards is performed by the government agency called '*the Office of Civil Service Commission*' (OCSC), which has the responsibility of dealing with all personnel administration of the government sector, in all of the ministerial and governmental offices, including recruitment and selection, position classification, compensation and welfare, staff development and retention of staff. As such, the civil service system in Thailand is huge. It is composed of about 1.3 million officers (OCSC, 2006) working in different government agencies all over the country.

Secondly, most prison officers do not actually intend to work in the prisons but the status of being 'government officers' attracts them to the prison officers' world. In fact, some of my interviewees did not know beforehand what work in prison was like:

'Honestly, I didn't know what the DOC was. I just wanted to work for the government. At first, I thought that it was a job working in the zoo, taking care of animals. When I was young, there was a small open prison in my hometown. I saw a lot of trees and jungles in that area. Also, there was the big plate on which was written something like 'Corrections'. So I always thought like that, until I actually came to work here (laugh)...' (Officer: M)

According to Crawley (2004), in England and Wales, 'the pay' and 'job security' were the primary motivating factors for both joining and remaining in the service for most of the prison officers in her study. Many had been attracted to prison work simply because they needed a job and because 'the pay was relatively good'.

In Thailand, people tend to be interested in working as prison officers for one reason: to become government officers or civil servants. Regarding the civil service system⁴⁷ in Thailand, the government officers are the people working in all of the government agencies,

⁴⁷ Nevertheless, state teachers, university lecturers, the police and army officers are not included in the same civil service system. The government administers them in a different way.

including the nineteen ministries, the Secretariat of the Prime Minister, the Secretariat of the Cabinet, the Secretariat of the House of Representatives and the Secretariat of the Senate.

To some extent it might be true to say that civil service jobs have been popular and regarded as a favourite occupation because of the associated privileged status, welfare, and the deeply held belief that government officials are the servants of H.M. the King, who take on the complete responsibility of undertaking services for the sake of Thai people and the nation (Srimananta and Alamkul, 2002). Throughout Thailand's history, government officers have been perceived as rulers or elite members, full of pride and prestige in the eyes of the public. Because of this, although civil servants are not well paid compared to the incomes of people working in the private sector⁴⁸, the professions still attracts many people. Thus, the sole motivation for becoming a prison officer is undoubtedly not the pay. In truth, they automatically become civil servants working for the government in the DOC, Ministry of Justice.

'I came to work here because I just wanted to be a government officer. After passing the OCSC examination, there were some vacant positions at the DOC. So, I decided to come here to apply. The funny thing was that many friends of mine didn't come with me. They said that they were afraid of prisoners. People still have a negative image of work in prisons, especially the belief that the prisoners must be fierce and scary...' (Officer: K)

As previously discussed, most of the prison guards did not know much about prison work before starting their jobs; therefore, it is not surprising that they found the early stages rather tough and had nerve-racking experiences. Their lack of knowledge of custodial jobs could directly affect their state of fear. One prison guard described that:

⁴⁸ The monthly pay for an officer graduating with a Bachelor's Degree, starts from 8,000 baht (£160) (OCSC, 2005), while the average starting salary when working in the private sector is approximately 13,984 baht (£279.68) (OCSC, 2000).

'Well, when I first came to work here, I was so quiet, sitting over there all day. I didn't go to other zones. Honestly, at that time the inmates were colossal, bigger and stronger than me, so I was kind of scared (laugh)... But it got better later after I learned and gradually adjusted to working here...' (Officer: A)

This was supported by Officer J, who stated that:

'Looking back, it was quite challenging for me because there was no training course for newly recruited officers. That's why it's easy for the inmates to fool us.'

In the interviews, the feeling of fearfulness and being obviously unsure about what they would encounter inside the prisons, seemed to be very dominant. These are only some examples of the unique features of prison work in Thailand.

During the interviews, the prison guards identified some interesting points regarding their custodial and supervisory styles. As was previously discussed, the Thai penal system has experienced both overcrowding and understaffing problems, and under these circumstances the prison officers have to carefully consider their custodial and supervisory styles. Crawley (2004: 106) claimed that the officers tended to have their own 'preferred styles; some which involve enlisting the cooperation of prisoners and some which do not'. In Thailand, apart from the role of managing the prison inmates, Thai prison officers must perform another role, that of ruling and supervising a group of lower-ranked officers who are under them in the chain of command. According to the interviews, each prison guard has their own style of working with the inmates and with their junior staff.

Concerning the styles of managing the prison inmates, although prison officers have legal powers and lawful authority to control inmates, their work is not as easy as it seems. In fact, working with any group of people is one of the toughest jobs.

'It's impossible for us to take complete control over them, you know? The prisoners aren't something like a book or things that will be always there in the same position you placed them... No, it's not like that!' (Officer: D)

In the main, it was believed that their approach to treating them was really crucial, particularly the way they spoke, gave orders and reacted to the inmates. The Control Review Committee (Home Officer 1984 cited in Crawley, 2004) rightly concluded that relations between staff and prisoners were at the heart of the whole prison system together with control and security flow, in getting that relationship *'right'*. The key question was, how does each prison officer describe and understand the meaning of the right relationship?

According to the prison guards in my study, most of them believed that the *'best custodial style'* was to perceive an inmate as being of equal status as a human being; the only difference was in terms of their current role and social status in the correctional setting. As a result, the most common style was investing a constant effort to make the inmates understand their status and appropriate roles.

'We must perceive them as human beings with dignity. We must not think that they are bad or evil people. Although we are of a different status, the best thing is to find the way that we can live together without problems. For me, the first thing is to prevent them from escaping and then find something for them to do, to keep them busy. The inmates shouldn't have too much free time...' (Officer: A)

The way to perceive the prison inmates was very significant for the prison officers. Coyle (2005b: 91) pointed out that 'a good prison officer is one who treats each prisoner as an individual and as a human being rather than as a cog in a machine'. In addition, most prison officers in my research believed that every order given to the inmates and their actions performed in the prisons must be lawful. By doing this, the prison guards' activities would be acknowledged and automatically protected by the law. However, in some cases, there could be a room for negotiation on some prison rules but this must be still in line with the country's laws.

'I think that we must act like a "sallow tree" swaying in a wind, meaning that sometimes the rules could be negotiated in order to bring out the best result for every group. Just like a willow tree that always sways in the direction of the wind, while the other types of trees could be broken by a strong wind because they keep resisting. However, we can accept negotiations only when the practices aren't prohibited by law. I must emphasise that we won't allow them to carry out any illegal activities because this could cause seriously damage and have an impact on many parties, including the prison, my unit and myself as well...' (Officer: D)

In a similar vein, in the research of Stojkovic (2012), officers stated that in order to maintain order, they developed accommodative relationships with prisoners in which some officially prescribed rules and procedures were violated. The officers portrayed these as realistic and necessary adjustments to their work circumstances.

Furthermore, it seemed that the prison officers needed to learn to cope with different groups of prison inmates. This did not mean that the prison staff had to have double standards with regard to the inmates, since the major rules and regulations of correctional settings were still enforced. A clear example was the difference between the treatment of the death row inmates and life imprisonment prisoners, and the treatment of the short-sentenced inmates. While the first group seemed to be treated with leniency and more relaxed manners, as the staff did not want to make them more stressed, the latter were often treated with stricter conditions, as most of the short-term inmates were particularly prone to breaking the prison rules and causing custodial difficulties to the prison staff. This consideration is in accordance with the original rationale for English maximum-security facility perceiving that long-term imprisonment was in itself a harsh punishment and prisoners should be provided with a liberal regime that offered choice and autonomy within an appropriately secure perimeter (Home Office, 1968 cited in Drake, 2011: 370-371)

'My custodial style is based on "knowledge and the social context". I mean we must learn to deal with many types of prisoners. I don't believe that there's only one effective way to treat the inmates. For example, the death sentenced prisoners should not be treated the same as other groups of inmates. They are different. Although we enforce the same rules, the approach we apply can be varied...' (Officer: D)

Force and physical abuse was also mentioned by some of the officers during the interviews. Some of them agreed that the management style should be a combination of 'Pra-dej and Pra-koon'⁴⁹. These two Thai words mean two opposite pillars, 'power or force' and 'mercy or leniency'. Power and force refer to the authoritative side of the rulers who are able to use physical force and strong charismatic leadership to control people by making them scared. On the contrary, mercy and leniency refer to the gentle and kind characters of the leaders.

'I wanna say that "Pra-dej and Pra-koon" are still effective these days. There must be a mixture of these two angles. For me, I realise that I prefer "Pra-koon"(mercy) to "Pra-dej"(force); but of course, in some cases, "Pra-koon" or the use of force is appropriate and useful...' (Officer: I)

This was supported by another interviewee:

'The custodial style? It depends... I think we need to have both "Pra-dej and Pra-koon". When I have to control a lot of people, a high degree of leniency is needed. Sometimes, you need to be both soft by being nice and also tough by using a threatening style. I've learned from the former senior prison officers in the past...' (Officer: P)

Hepburn (1985) also mentioned the bases of power from which correctional officers may choose, such as legitimate power, coercive power, reward power and referent power. Individual officers may tend to use some power bases over others, varying with their overall attitudes towards their work and with experience (Hepburn, 1985: 150). However, Liebling et al. (2011) noted that views about the most appropriate combination of power bases might be changed because prisons and the prison system vary over time with regard to the types of power bases that are favoured.

For prisoners, it is argued that they may be more likely 'to comply with or prefer some modes of power over others' (Hepburn 1985: 147 – 149). According to a study of Liebling et al. (2011), it is suggested that prisoners preferred prison officers to be straight, treat them with fairness and respect. These are significant features of relationships between prisoners and

⁴⁹ In truth, 'Pra-dej and Pra-koon' is a Thai traditional proverb used to describe the ruling or governing styles of the lords or masters treating their slaves and commoners in past times.

prison officers, especially fairness which could be regarded as consistency in process, was often valued for the security it brought – even when the outcomes of such consistency could be unfavourable (Liebling et al., 2011: 107). .

To compare ‘Pra-dej’ and ‘Pra-koon’ in Thai prisons, they seem to be similar to coercive power and reward power respectively. According to Hepburn (1985), coercive power emerges as a prominent method of control, derived from the officers’ perception that they have the ability and willingness to punish disobedience. Regarding reward power, this can be used by an officer to control inmates by exchanging ‘for which minor violations would be tolerated, petty pilferage would be permitted, and special favors would be granted’ (Hepburn, 1985: 148).

The topic of physical force was touched on by one interviewee, who clearly indicated that physical abuse was still necessary on some occasions with some prison inmates.

‘I know very well that these days the executives and the DOC don’t agree with us on the use of force towards the prisoners. They don’t allow us to beat inmates, something like that...However, I believe that we cannot abort or stop using that kind of practice. For me, frankly I might use it secretly. I mean I won’t let those people know. You must understand that some inmates are very stubborn and hard to deal with. That’s why I want them to keep the old style of ruling inmates in prisons...’ (Officer: F)

During the interviews, when I asked the prison officers about the use of force towards prison inmates, most of them said that physical abuse could be an effective way of getting an inmate under complete control. It could also easily deter other prisoners from causing trouble. Nevertheless, they insisted that it must be used for a reason, meaning that if the inmates did not misbehave, they would not be physically punished. The use of force must not happen because of hate, bias, discrimination or other irrational acts by the prison officers.

The different styles used in their custodial tasks by the prison guards can be derived from contrasting views on the means and ends discourses (Adler and Longhurst, 1994). In Thailand the prison guards or those working in the prisons can be divided into two major groups: prison guards who work primarily on custodial tasks, and those providing inmates with rehabilitation programmes, such as education, vocational training and so on. Therefore, linked to Adler and Longhurst's discourses, they tend to focus differently on the ends discourses: control and rehabilitation. According to the interviews, although they believed that both discourses must go together as prisons were for both the control and rehabilitation of inmates, their focus on these might not be equally balanced. On the one hand, some staff believed in improving the prisoners through the provision of training and treatment programmes, which was the key role of these officers inside the prison. On the other hand, some prison officers primarily wanted to maintain good order among the inmates, as they were custodial officers. Consequently the first tended to rely on the lenient style while the latter might adhere to the coercive style of governing the inmates. Regarding the means discourses, it seems that prison officers in general all focus on professionalism, in which the experiences of working in prisons are crucial. However, a slight difference can exist due to the fact that they are from different prisons, each of which might have a unique institutional ethos.

Last but not least, all of them agreed that the best way to manage the inmates was to be absolutely '*impartial*' which means that all of the prisoners should be treated equally. As previously discussed by a study of Liebling et al. (2011), prisoners preferred to be treated with fairness, straightness and respect. Coyle (2005b: 91) maintained that:

The unpopular prison officer is not necessarily the one who is the strictest or the most lenient. The unpopular officer is the one who is inconsistent; saying '*yes*' one day and '*no*' the next day in very similar circumstances.

In a similar vein, from the interviews, it is believed that impartial prison staff will get considerable respect from the prisoners.

'My managing style is to talk to inmates giving reasons. I think we must be rational and try to make them understand. More importantly, I treat everyone equally. Although some people are bad, I will never behave badly towards them. I won't bully the inmates' (Officer: O)

This was similarly explained by Officer H:

'I think the basic thing is to make them understand that both of us have our own duties: supervisee and supervisor. We just do our job to control and take care of them. If they understand this, there won't be any problem. However, being "just and equality" are the most important things. If the inmates feel that we have double standards, they won't understand why we treat some people differently which can lead to other difficulties...'

This notion of the importance of impartiality was found in a study by Irwin (2005). He claimed that prisoners evaluate guards on the basis of four characteristics: fairness, consistency, stringency and empathy. Interestingly, the most important characteristic of prison guards according to the prisoners was fairness. Sparks, Bottoms, and Hay (1996) maintained that the justice experienced in prisons have influence in shaping the inmates' behaviours behind bars and evaluation of criminal justice system as well as the law.

According to Tyler (2010), when authorities act fairly, they create legitimacy and encourage people to follow the general rules every day.

The fairness of the authorities shape people's everyday compliance with the law as well as their willingness to cooperate with efforts to maintain social order in their communities (Tyler, 2010: 128).

Interestingly, Tyler (2010) claimed that fair procedures or fair treatment can build legitimacy in prison and bring positive benefit which is able to minimize the negative implications of incarceration and maximize the likelihood of positive gains for experiences in prisons.

From the above-mentioned discussion, it can be concluded that the prison inmates should be treated with respect as human beings and with impartiality. Also, the prison staff should fully clarify their duties and the role of the prisoners so that both groups can stay together in the prison system without problems. However, it should be noted that this topic has focused on individuals' experiences, among the prison officers, especially the ways in which the prison staff perform their custodial tasks. It did not intend to discuss the relationships among prisoners and prison officers, which will be analysed in detail in the following chapter.

Interestingly, during the interviews with the prison staff, when I asked them about their supervising style, they often wanted me to clarify which group of supervisees I was referring to. In Thai prisons, a person whom you supervise and give orders to is usually called a '*Look Nong*' (similar to the word '*subordinate*' in English). Therefore, on the one hand, it seemed that prison officers might similarly perceive both groups of people: junior prison staff and inmates, in the sense that both are their subordinates or supervisees. On the other hand, they clearly have different roles and positions.

From the observations and the statistics on the ratios of prison guards to inmates, it was obvious that the officers in Thai prisons are heavily outnumbered. Therefore, the prison officers who work at a higher level than the first line staff, such as the chiefs of unit, must know the proper way to work with their unit staff. In terms of supervising the lower-ranked prison staff, most interviewees believed that it was all about creating a spirit of '*unity*' among the team.

'For me, my style is based on "team working". I always issue the official order to assign duties. Nevertheless, they must help each other all the time to complete the mission. They must be able to work together. That's what we call "team work". Moreover, I think the most important thing is trying to understand each other very well...' (Officer: K)

Additionally, communication skills are crucial in order to enable higher-ranked prison officers to talk to and give clear orders to their subordinates. In fact, most interviewees claimed that they arranged team meetings on a regular basis to listen to the problems raised by their staff in the unit. On some occasions, they tended to go and see their staff, who were working in different areas of the unit, in order to discuss any issues.

'I don't want my staff to feel uncomfortable with any story in their mind. At the same time, I must not show them my stress or any awful feelings; otherwise they can sense it and feel bad for me too. Also, you must be their role model. I mean if you teach them to not misbehave, you must do it first. If you cannot do what you say, they won't believe what you teach them. Action speaks louder than words. A good example or practice is better than any words of teaching...' (Officer: A)

In the same way:

'I have about twenty junior prison staff working in my unit. The good thing is that they are firmly united and work as a team. Normally, I'm quite an approachable person. I want my officers to feel that they can come to talk to me anytime. However, I rarely ask them to come to see me... I like to walk to meet them in person at their station every day. Frankly, I've received positive feedback from my staff in that they like the way I treat them...' (Officer: C)

Another point is morale boosting in terms of giving their subordinates the chance of promotion and a high mark in their job evaluation. The prison officers believed that the morale of their subordinates was a very significant factor for their wellbeing. As prison work is overwhelmingly tough and stressful, most interviewees usually put in a considerable amount of effort in giving their staff moral support.

'I think we must be fair to our junior officers... I mean, there are some good officers who work very hard. We must let them know that we see their contribution and their hard work. We must be able to protect them and give them moral support. In contrast, if there are some bad officers, we must also penalise them. I think we must make a clear differentiation...' (Officer: E)

Moreover, the prison officers tended to lend a hand in order to help their subordinates in their lives, such as with financial and health problems.

6.1: Increasing the difficulty of prison work

The clearest effect of the war on drugs policy, indicated by all of the prison officers who participated in the interviews, was that their prison work had become more difficult and complicated. It was obvious that they had been through the most difficult period of their working lives, in terms of both quantity and complexity. It was argued that one of the major reasons for this was the profound change in the group of inmates as discussed previously.

According to the interviews, an obvious impact of the drugs war on their work was the endless trouble that they had dealing with the smuggling of drugs and contraband, especially mobile phones, into prison. In the case of drugs, their availability in the prisons tended to be apparent to the prison guards, as well as the gambling and disputes among inmates. However, there had been a fundamental change in the type of drugs and also new ways of smuggling them in through the prison walls.

'At that time I think it was "Ya Mao" (drunk pill) making the inmates get drunk. I remember that it was a red pill with a number "55" on it. Later there was widespread use of heroin and then methamphetamine. Besides methamphetamine, now ICE has been widely smuggled. It's quite difficult for us to prevent smuggling of ICE because they are quite small and hard to detect. (Officer: D)

In the past, the major types of drugs were opium, heroin and cough relief tablets. Currently, methamphetamine and ICE have become dominant. In prisons these are normally ten times more expensive than in the market place. However, the smuggling of mobile phones by drug dealers into the prisons has been reported since 2005 and has become the biggest enemy of the Thai prison system ever since.

'I think the drugs in prison have existed for a long time before the mobile phone technology began to have a big influence. When there's fast progress in technology, the means available to the prisoners are more complicated and harder to prevent. Now we've the problem of employing phone blocking or jamming devices as the surrounding community is affected. They claimed that they couldn't use the mobile phone. So, we got a complaint from many telecoms companies asking us to stop using the devices'. (Officer: N)

Interestingly, according to the interviewees, a mobile phone is indispensable for a drug dealer, to carry on his drug trade and conduct other criminal activities in prison as well. The major use of the phone is to buy and sell illegal drugs. According to several sources including the ONCB and the NSB, it is estimated that the total value of the drug trade is 2,700 million baht per month per group (nearly 500 million British pounds) (Officer: O). Therefore, it is no problem for a drug dealer to spend about 100,000 – 1,000,000 Thai baht (£2,000 – 20,000) on smuggling in a mobile phone. In this regard, some officers believed that another reason for the inmates to have mobile phones was to contact their families and friends.

'It might be the only way that the inmates could feel like they aren't imprisoned. In other words, they still have some freedom to contact those people they want and sometimes to access the social network websites by some particular smart phones.' (Director of Prison: A)

After all, this could only be an indirect benefit of mobile phone possession in prisons because the cost of mobile phone smuggling was very prohibitive. The staff claimed that if they saw any inmates with mobile phones, they would reasonably assume that those inmates must be involved in trading drugs or in other illegal activities.

To some extent, with regard to mobile phone smuggling, it should be noted that this problem cannot be totally observed to be an effect of the war on drugs policy. Indeed, this issue tends to occur in various countries⁵⁰, which of course do not have the same policy on the drugs war as Thailand. In the U.K. heroin is an illicit drugs largely brought into a prison through a number of channels: corrupted staff, friends and family of inmates during visits, letters and over a prison's perimeter fence or wall (Crewe, 2005).

⁵⁰ Many countries have reported the problem of mobile phone smuggling into prisons, namely the U.S. (Johnson, 2008; Beiser, 2009; Burke and Owen, 2010), Russia and Brazil (Duell, 2013).

Consequently, in my view, mobile phones in prisons could be perceived as a global trend of using high communication technology in the wrong place and at the wrong time. The smuggling of mobile phones could have still happened in Thai prisons even if there had been no declaration of a drugs war; but the degree of the problem could have been different, because there are only a limited number of inmates who can afford to pay for the smuggled mobile phones.

6.2: Negative image

It could be said that people in wider society have some specific attitudes towards prison officers, which, to some extent, can affect their working lives and experiences, by decreasing their self-esteem and undermining their general morale. In many countries, there is a pattern of prison staff 'being poorly paid, badly trained and attracting little public respect' (Coyle, 2005b:83). In the U.S., Stojkovic (2012: 346) noted that:

The officers often portrayed themselves as forgotten people in a hostile social system made up of politicians, the public, prison administrators and inmates. They stated that their problems and low social standing reflected politicians' and the public's negative attitudes toward prisons and correctional officers. The officers stated that members of each of these groups treated them as insignificant, largely incompetent, and expendable parts of the prison organisation.

In addition, prison officers tend to be cast as monolithic male, power-hungry enforcers of authority. Arnold et al. (2007) argued that such accounts are sociologically impoverished and deeply misleading. Indeed, prison work is so complex and varied, that not everyone can completely understand it. Besides, many people are misguided in their belief that prison officers regularly abuse their power; in reality, some prison officers tend to avoid overusing their authority so as to preserve peace behind bars.

In Thailand, the negative image of prison guards can be reflected both in the eyes of the public and also from the perspective of the DOC staff working at the HQ. After the 2003 war on drugs, from the findings, the first group tended to perceive the prison guards in a more negative way.

6.2.1. Public eyes

Generally speaking, the public's perception of prison officers can be either positive or negative.

According to Coyle (2005b: 83):

Much of the ambivalence which it feels about prisons is transferred onto its attitude about prison staff. On the one hand, the public recognises that the prison officer carries out an important task by protecting it from dangerous criminals. On the other hand, there is unease that the main task of the prison officer is to deprive other human beings of their liberty.

To put it simply, a prison officer could be perceived, either as a hero who helps to protect society, or on the contrary, as a cruel person who likes to physically or verbally abuse other people. In other cases, some people understand that although imprisonment is in essence a negative experience, the prison authorities do what they can to help prisoners use their time in captivity as positively as possible (Liebling et al., 2011). Nevertheless, it is undeniable that negative aspects and criticisms tend to come under the spotlight more and are easier for the public to remember:

‘Prison staff rarely get a good press. At best they may be taken for granted and ignored, at worst they are stereotyped as brutal, even sadistic, and sometimes corrupt disciplinarians (King, 2008: 31).’

Similarly, in Thailand, one of my interviewees noted that:

‘We are always portrayed as power-abusing people. If you look at movies or TV series about criminals and prisoners, it’s obvious that there are typical ways to stereotype the character of a prison guard. The saddest thing is that we’ve never been the favourite leading characters in any movies. On the contrary, prisoners are usually represented as heroes who get huge cheers and support from audiences. Why don’t we get that kind of chance to be seen as heroes?’ (Officer: B)

Some classic examples of Thai movies that confirm the negative impression of prison and prison guards given to the public, are '*Nor Shor Nak Thos Chai*' (2002), which means 'a male convict' in English and '*Khang Pad*' (2002) or 'the eighth prison unit'⁵¹. While the first is a story of a man sent to prison for unpremeditated murder, the latter is a movie depicting the life of a female prisoner before and during the time she serves in a women's correctional institution, as well as after she is released from custody. Apart from their similarities, in terms of the bad image they portray of prison and prison guards, and their leading characters being prisoners who are portrayed in a positive light, both movies are based on famous novels in Thailand.

The same opinion on this negative public image of prison guards can be found in a personal interview between Welch (2011) and Dr. Peter Carlson, a former federal warden. It was discussed that:

I have made a concerted effort to avoid watching movies and television shows that are focused on corrections unless a friend specifically tells me it is worthwhile. The entertainment media typically portrays a correctional worker as stupid or corrupt, or stupid and corrupt. (Welch, 2011: 479).

In Thailand, prison work tends to be stereotyped as an 'undesirable job'. The basic reason for this seems to be that nobody really wants to mingle with people who have committed crimes. This sense is also portrayed in '*dirty work*' by Hughes (1994). He noted that work is said to be dirty if society perceives it to be physically, socially, or morally tainted. In the case of prison guards, this can be linked to the social taint which occurs when an occupation involves regular contact with people or groups that are themselves regarded as stigmatised, or where the worker appears to have a servile relationship to others (Ashforth and Kreiner, 1999).

⁵¹ The official English titles of these movies are 'Bangkok Hell' and 'Butterfly in Grey', respectively.

Moreover, the media have characterised prisons in a specifically negative way, focusing on the dirtiness, aggressiveness, overcrowding, un-consensual sexual intercourse and so on. These notions contrast with the nature of people who typically seek to see themselves in a positive light. Crucially, occupation is one of the social roles that can create a positive sense of self (Ashforth and Kreiner, 1999). As such, it is believed that prison is not an ideal place to work and that prison officer is perceived as the '*last choice*' on the list of jobs that people tend to apply for⁵².

'I must say that people coming to work in prison never expected that they would work here. In other words, it's always "the last choice". Most people want to be police officers or soldiers, and other types of uniformed staff. If you ask the students, I'm sure none of them will answer that they want to be the prison officers' (Officer: P)

Interestingly, in the interviews with the prison officers, they all stated that they had not expected to work in prisons at all. According to Welch (2011), few children dream of growing up to work as correctional officers. In other words, the officers themselves did not have these ambitions early in life.

It is worth highlighting that, without a doubt, there would be a serious problem if society did not have a group of people working in prisons. There must be some people at least, despite it maybe not being their dream, who are prepared to perform this role for society. In Thailand, there is a proverb '*Pid Thong Lang Pra*' (that literally means applying gold leaf on the back of the Buddha statue). It emphasises the good acts that are done without seeking attention from the public eye. When erecting the golden Buddha statue, the craftsman who works on decorating and gilding the gold leaf at the back of the statue is basically non-existent to the

⁵² From my own experience, some people still have ambitions to start a career at the DOC. They are the group of prison officers' families. In some cases, from my own observation, they want their family members to continue working as prison officers through all generations. Obviously, they do not perceive prison work as an undesirable job on the grounds that they have been socialised and grown up among prison guards and it has become a way of life. Also, they have a clear understanding about the characteristics of the job, both the advantages and the disadvantages.

viewers. Most people who look at the statue tend to admire it and see its beauty from the front. Therefore, without the attention of the public, the people who work behind the scenes are sometimes forgotten, although the statue, or any other work, would not have been finally completed without them. At the Thai DOC, this proverb has often been mentioned to describe prison work.

Compared with Everett Hughes' essay *'Good People and Dirty Work'*, there might be several ideas in common. According to Hughes (1994), there are some types of 'dirty work' in every society that need to be done by some people. Hughes (1994: 186-187) observed that in the case of a prison guard:

He is a man disposed to cruelty, there may be some justice in his feeling that he is only doing what others would like to do, if they but dared; and what they would do, if they were in his place.

As such, the good people might be those who do not get involved in these types of dirty work but they still get the benefit from it. Also, the workers who do these 'dirty jobs' might perceive themselves as good people who have to perform this work for some justified and convincing reason. An interviewee explained that:

'It's not normal to see people coming to work at our DOC. Nobody wants to deal with the criminals. But I believe in H.M. the King's words that prison work is also important for society. If we don't do it, who else is gonna do it? All jobs are significant for the whole country...' (Officer: O)

The negative image of the prison officer being an undesirable job could be patently reflected in the speech of HRH King Rama IX (1946 – present), in which he said that⁵³ (DOC, 1982; Office of His Majesty's Principal Private Secretary, 1972):

'Prison and correctional work is a very tough job because in the eyes of Thai people, it is despised and unpleasant work dealing with criminals. I shall kindly ask all prison staff not to be discouraged. Please strongly believe that prison work is very important and useful for

⁵³ HRH King Rama IX graciously delivered this speech to Mr. Pradis Panichakarn, the Director General (1971 – 1976) and Mr. Salab Wisuttimak, the Director of Bangkwang Central Prison on 4th of February 1972 at the Chitralada Palace.

the country. If we cannot rehabilitate offenders, when they are released they will be still dangerous for Thai society. On the contrary, if they are rehabilitated and become better people, all officers should be proud of their work. I wish that all of you should have great perseverance and keep providing prisoners with meaningful training and vocational skills so that they can find good jobs. Moreover, the prison staff should monitor and follow up on whether the skills provided are beneficial for them or not...'

H.M. the King's speech has been regularly quoted and published in the DOC Annual Reports and other publications of the DOC. More importantly, it has been inscribed on the wooden board at the entrances of all of the prisons as well as at the HQ building of the DOC. By doing this, it is believed that H.M. the King's gracious words can give all of the staff heartfelt encouragement, so that they are proud of their careers and continue working at the DOC either in prisons or at the HQ. To put it simply, they should realise that although their jobs appear unpleasant, H.M. the King still recognises the true significance of prison work in Thai society.

To support the two above-mentioned points on its negative public image as an unpleasant job, I shall reflect on my own personal experience. Although I have been working for DOC since 2004, when I am asked by unfamiliar people as to what my job is, I often reply that I work for 'MOJ' instead of the 'DOC' for various reasons. First of all, there is a sense of inferiority. In my view, this is not just due to the feeling of embarrassment over this career. In reality, it is about the bizarre reaction and feedback that I have regularly received from people. Negatively, several people have instantly reacted by '*looking down*' and making doubtful expressions because they have personal perspectives on prison officers and DOC staff, one of which is that they consider that prison officers could not find other better jobs to do. To put it simply, some people doubt the capability of prison officers or DOC staff and consider that their capability is very limited they are unable to work in other government agencies. Secondly, some people are keenly interested to extend the conversation and ask for more detail, for example, what kind of work I do there, what types of inmates are imprisoned, and so on. The latter appears to be

positive as they are eager to know what happens behind the prison walls. Because of this, to avoid such circumstances, some prison officers and DOC staff, including myself, are likely to offer a vague answer indicating 'MOJ' as their agency⁵⁴.

Notwithstanding, according to the findings, since the war on drugs, the image of prison guards has been negatively portrayed due to the fact that the news and the media keep reporting on the drugs trade inside prisons.

'We're quite tired and exhausted mentally and physically, especially due to the way that people negatively look at us. In fact, we must accept the truth that they tend to have a clear bias against us. As I told you it has always been like this since I started working. None of my friends came to apply for this job with me. Now, it's getting worse when the media reports in the news about the smuggling of mobile phones and the drug business in prison. They never understand that we've worked very hard. We do our best to prevent it but there are many factors and limitations. I want to ask them how to control and monitor everything if we've got only five to six staff working in a unit of 600 inmates.' (Officer: K)

These days, most of the news and stories about drugs are linked to prison inmates. The typical format is, that the offenders arrested by the police normally say: *'I got a phone call to order drugs from Mr...(name).... in ...(name of prison).....'* (Chotchakornpant et al., 2009: 23).

Accordingly, the public tends to perceive prison as a place full of drug business. To give a comment on this point, it might be undeniable that there is drug business behind bars. As already mentioned, there have been some cases in which prison officers have actually been involved and have been arrested by the police. However, it was found that not all of the cases reported by the media were true. Some officers explained that the name of the inmate and the prison could be falsely claimed during a confession and in a press release. After checking with the prison authority, there was no inmate with that name being detained at that prison. To put it simply, in some cases it was just a pattern for drug offenders to terminate the police

⁵⁴ In Thailand, the Ministry of Justice is in charge and responsible for the administration of eleven bureaus and departments, such as the Department of Corrections, the Department of Special Investigation, the Office of the Justice Affairs, the Department of Forensic Science, the Department of Probation, and the Department of Juvenile Observation and Protection, etc.

investigation by linking it to an inmate so that the police would not want to go through the complicated process of asking for permission to enter the prison. Nonetheless, the public does not know this fact, so the prison guards seem to be recognised as officers who are involved in corruption by receiving payments of money from the criminals. Likewise, the prison system receives questions about the effectiveness of its performance.

6.2.2. Prison VS Headquarters

Besides the view of the public, it is interesting to point out how the prison guards are perceived by a group of HQ staff. Considering the incompatibility between officers working in prisons and individuals working at HQ, I have attempted to cover this topic, since I have not discovered much literature that discusses it. This probably stems from the fact that there are structural differences in the job positions and the personnel administration among each country's penal system. Crawley (2004) mentioned a slight problem between the HQ and prison officers concerning in-service training. To briefly explain, the HQ usually has training packages that demand some periods of training time, but in practice, the prison officers do not have that much time because they need to work. Consequently, Crawley's interviewee indicated that 'the headquarters have just no idea of operations. They don't realise that staff can't deliver all these packages' (Crawley, 2004: 177).

In the Scottish prison system, Adler and Longhurst (1994) found that the prison governors and the HQ staff, who were the most important groups of employees in the Scottish Prison Service, sometimes disagreed and had different views on certain issues. To clarify, the decision-making and the processes involved in the care of life-sentence prisoners, in particular the decision to place a 'lifer' in the community, for work or educational reasons, sometimes required HQ approval. Disagreement and conflict could occur if the HQ refused, in controversial cases, and this could cause delays and prevarications that then prevented lifers

from being able to attend the programmes. In this regard, the governors felt that ‘the civil servants used their own logic to structure the lifers’ careers and shield themselves behind Ministerial accountability’ (Adler and Longhurst, 1994: 102).

In Thailand, there has existed a long-standing controversy over prison administration and custodial operations between prison workers and HQ employees. It should be noted that in Thailand’s prison system, the mechanism is composed of two groups of officers: the prison officers whose workplace is the prisons or correctional institutions, and secondly, the officers who work at the HQ. Apart from the fact that they work in different settings, they tend to be equal in terms of their rankings and monthly salaries, as well as their opportunities for promotion and training in the Prison Academy. More importantly, some prison officers can be moved to work at the HQ while the HQ staff can be offered a job rotation to work in the prisons and vice versa. To put it another way, both groups are workers under the DOC, Ministry of Justice and should be willing to make substantial contributions to accomplish the missions of the DOC.

However, in reality and in detail, both groups maintain a small degree of negative attitude towards each other. In the first place, as the officers at the HQ tend to perform administrative or non-practical tasks, namely the DOC plan and policy formulation, prison research projects and other academic studies, HQ officers are widely viewed by the prison officers as ‘*academics sitting in their ivory towers*’. Central to this attitude, the prison guards typically believe that the HQ staff often issue Department orders and circular notices and draft regulations as well as strategies and policies without any understanding of real prison circumstances and practical aspects of the job.

Additionally, in the eyes of the prison guards, the HQ officers carry less responsibility than them, handle less pressure at work and do not work as hard as they do, because HQ staff do

not work directly with the prisoners. Besides, they perceive that people working at the HQ have relatively easier jobs by starting work at 8.30 am and leaving the office at 4.30 pm. The HQ staff's working hours are completely dissimilar from those of the prison guards who need to work day and night shifts. An interviewee discussed that:

'You know what? I don't like those academic people at the HQ. Sorry, I don't mean to be against you. I'm glad that you are here to listen and understand us. But some people, especially in the high positions in bureaus or divisions at the HQ, they never understand how we work here. They are good at writing papers or policies and doing academic research. I really want to challenge them to come here and work, just for a month! If they can deal with all of the problems, I'll pay them my utmost respect and change my negative opinion towards them...' (Officer: F)

The HQ officers also appeared to have specific attitudes towards the prison officers. Firstly, the prison officers were perceived as conservative, old-fashioned people, because they tended to actively resist any changes in their work patterns. In fact, from my off-the-record conversations with some interviewees, on several occasions, the prison authorities did not follow the policies and orders issued by the HQ, and justified these actions by claiming that they were impracticable. Accordingly, some prison authorities sometimes adjusted the procedures, provided that the end results could still be achieved. Again, this highlighted the point that the prison guards did not actually adhere to the rules discussed in the bureaucratic discourse. In the U.S., prison officers also claimed that the administration tended to implement unrealistic rules that hindered their ability to do their jobs effectively. Because of this, 'they must overlook some of these formal rule violations otherwise their jobs would be too difficult and too dangerous' (Stojkovic, 2012: 344).

Secondly, as the majority of the prison officers had obtained a vocational diploma or certificate as their highest educational qualification when starting their prison work, the HQ staff tended to create a common stereotype of prison officers. In the context of their educational backgrounds, the majority of the HQ officers had gained university degrees, either Bachelor's or Master's Degrees. Therefore, to some extent, they believed that the prison

officers did not possess sufficient academic knowledge of correctional work. There was a belief among the HQ officers, that in general, they were more intelligent and more highly educated than the prison staff.

However, it is worth emphasising that many prison guards decided to study further for Bachelor's/Master's Degrees later on, after working in the service for several years. Apart from a personal aspiration to enhance their academic knowledge, their educational qualifications were also crucial because they could increase their chances of promotion to higher levels. As a consequence of this, the perspective on '*conservative or less intelligent*' characteristics might be derived from the nature of custodial work, in that the prison officers needed to work behind high walls all day and all night. It is unarguable that they could not catch up on the news or constantly keep up-to-date with situations occurring in the country or in the world at large.

Finally, the staff at the HQ tended to take the view that the prison officers were authoritatively oriented. In other words, they enjoyed using and abusing their power in prison. A possible reason for this is that in correctional settings, prison officers are recognised as the bosses, who are able to give direct orders to the inmates. In Thai prisons, the prison guards do not need to complete some types of work themselves because the prisoners can do it for them. To support this argument, during my fieldwork at Klongprem Central Prison, I observed that the prison officers did not have to type official documents, because the prison inmates did it for them. The prison staff just dictated the words and sentences to the inmates to type onto the computer. In fact, there were about five inmates who were trustees, working in the officers' office. They typed the official papers, arranged them into the office files and presented them to the prison officers to read and sign.

To understand the contrasting viewpoints and attitudes between prison guards and HQ staff, this could be analysed using the means discourses of Adler and Longhurst (1994), which are identified in Figure 6.1. Generally speaking, it might be argued that both groups – the HQ staff and the prison guards – are differently concerned with how prisons should be run.

Figure 6.1 Characteristic features of the means discourses

Discourse	Bureaucracy	Professionalism	Legality
Source of legitimacy	fairness impartiality	intimate knowledge	rule of law
Focus	on the system	on establishments	on individual prisoners
Dominant concerns	uniformity, consistency, fidelity to the rules	leadership, experience, judgment, enhancing the institutional ethos	
Accountability for decisions	internal	negotiated	external

Source: Figure 2.4 Characteristic features of three competing forms of 'means' discourse (Adler and Longhurst, 1994: 46)

Linked to the bureaucratic discourse in Figure 6.1, it was found that in Thailand the HQ officers were usually attached to bureaucratic procedures, a body of knowledge, and focused on the whole prison system. As pointed out previously, the department orders and circular notices, as well as the rules and regulations issued by the HQ, primarily aim to be in accordance with the laws and academic knowledge. In contrast, the prison guards seemed to concur with the governors' discourse or 'professionalism', on the grounds that the staff in the prisons focused on the working experience behind bars, and making a claim about their deeper understanding of prisons and prisoners because they saw them every day or on a routine basis. This is one reason why the prison guards often believed that the HQ staff did not know what actually happened inside the prison walls and that many departmental orders and other measures issued by the HQ were hardly practical. Therefore, some prison guards tended to ignore the guidelines from the HQ and adopted their own approach based on their experiences, in order to achieve the same results. A prison guard who had once worked at the HQ explained that:

'When I moved from the HQ to work at this prison, I had to change my perspective and my way of thinking. I believe that working at HQ needs you to think globally, I meanthinking the whole picture and focusing on the system. But working here, I have to reduce the scope to focus only on my tasks and to see what I could and could not do...I mean there are many problems that can arise when carrying out the task. You know what? Sometimes, I even remember that this order or measure was drafted by me when I worked at HQ, but now I realise that it is not practical at all and I really want to change it (laugh)...' (Officer: E).

Interestingly, as already mentioned above, both groups – the prison officers and the HQ staff – were able to exchange their duties at any time; once prison officers moved to work at the HQ, their initial perspectives towards people working at the HQ changed and vice versa. As a result, in general, it could be said that the feelings and perspectives among them were not full of strong disagreement or deep hostility because there was a chance that one day all of them could become colleagues. Rather, it was just minor controversy, based on typical perspectives towards each other. Unsurprisingly, those who left the HQ to work in the prisons would be secretly observed by prison officers to see whether they behaved as they should, and whether or not they had the general characteristics that they previously thought that they had.

6.3: Health issues and psychological impact

It is undeniable that in every occupation there is a possibility of work-related illness and injury, which is dependent on the nature and characteristics of the work. It should be noted that there are probably three determining factors that account for possible injuries or illness: the environment of the workplace, the people you work with and the type of work itself. Intriguingly, prison work seems to involve all three factors. Firstly, regarding the workplace environment, most Thai prisons are quite old and have poor ventilation systems. When combined with the overcrowding crisis and the tropical, humid weather, some diseases, in particular Tuberculosis (TB) and various species of pandemic flu, can easily and rapidly spread throughout the prison. As such, it seems that prison officers and inmates are at the risk of catching these diseases, as they all share the same place and atmosphere.

Secondly, prisons are possibly dangerous to all individuals living and working inside them, in terms of the unpredictable behaviour of the inmates. As already discussed in the earlier chapter of the prisoners' world, the inmates can become mentally ill especially when they cannot manage their stress. The prison guards can become victims of attack and assault by prisoners. According to Liebling et al. (2011: 63), 'two particular factors that impinge on the officer's job are the stress, and the risk of assault'. Thirdly, individuals engaged in prison work are prone to illness or injury for two major reasons: stressful situations and the long working hours. Stressful situations often arise from various factors, namely the shortage of prison staff, the threat of inmate violence, and problems with colleagues. Moreover, as most prison officers, especially the lower-ranked staff, have to work both day and night shifts, the condition of their health can be gradually negatively affected:

The long-term effects of stress include chronic disease such as high blood pressure, heart disease, diabetes and asthma attacks, which can result in early retirement on health grounds and, in extreme cases, in premature mortality (Crawley, 2004:37).

Stress for correctional officers remains the key characteristic of their lives and greatly affects them, not only at work but also while off duty (Welch, 2011). Liebling et al. (2011: 63 – 64) argued that:

Prison officers seem to suffer from high levels of stress, partly due to the environment in which they work and partly due to role conflict. The role conflict refers to the difficulties officers face in reconciling the two main aims of their work, 'custody' and 'care'.

According to Welch (2011), it was presumed that correctional officers were struggling with role conflict insofar as they felt torn between controlling inmates and rehabilitating them. On the one hand, officers were charged with the maintenance of security and control; on the other, they were asked to help prisoners, befriend them and encourage them to deal with their offending behaviour. Officers could frequently be unsure which aspect of their role should take precedence in any situation.

In Thailand, according to my interviews, all of the prison officers expressed that they were full of stress. Some of them had already experienced a work-related illness:

'I've got some effects from working here, especially on my health. I got hypertension, high stress, gastritis, and hypercholesterolemia. I think our job is full of stress. There are many times when I carry tremendous responsibility. I might be called for an investigation anytime if I make any mistake. Sometimes, although I go back home after finishing my shifts, I'm still worried about my work which keeps me stressed at home...' (Officer: H)

Sometimes, working in prison does not cause illness but leads to some personal habits instead. An interviewee explained:

'I don't have a specific illness from work but I feel that I get used to some characteristics of prison officers, such as speaking so loudly, and using a commanding tone of voice. My little daughter once told me that this place is a house, not a prison. So, I realised that it was my fault. I should not have used that kind of personality and showed it at home.' (Officer: D)

In a similar vein, in Crawley's study (2004: 184), most prison officers felt that 'they had become harder since joining the Prison Service, in the sense that they had become desensitised to the distress and suffering of others'. Seven of the wives of the prison officers in Crawley's study expressed that their husbands had changed since becoming prison officers. They reflected that their husbands had become harder, such as having become less sensitive and increasingly intolerant, cynical and suspicious, as the years had passed by.

After the war on drugs, the impacts on the health and psychological aspects of prison officers were more obvious. Basically, they tended to be more exhausted from their overload of work, due to the searches for contraband and the prevention of drugs and mobile phone smuggling. Most interviewees argued that they were totally stressed from their prison work, particularly from trying to find an effective way to control the drug dealers' behaviour. They believed that it was very hard for them to catch up with the plans of inmates partaking in illegal activities and breaking the prison rules. The prison officers were always one step behind the inmates.

'Obviously, there were more searches because of the widespread contraband smuggling. My commander is very serious and determined to deal with this crisis. I think we conducted the prison searches like four to five times a week which made me very tired. Some of us did not want to add to our work shifts as we were quite bored of searching.' (Officer: L)

Moreover, the prison guards could come under stress due to having to make a decision to take sides: *'either on the drug dealers' or on the prison authority's'*. Some prison guards who did not want to put themselves and their families' lives at risk might choose to *'do nothing'*. Welch (2011) explained that the most prevalent form of participation of officers becoming involved in the underground economy of a prison was to *'turn a blind eye'* and refuse to report violations involving contraband.

By the same token, in Thai prisons, to *'do nothing'* means that the prison officers do not attempt to interfere in any wrongful activities of the drug dealers. Generally, they just pretend that they did not know anything about them; by doing so, the prison officers might easily earn about 10,000 – 20,000 baht (£200 – 400) per month from the drug dealers, compared to other prison guards who did their best to perform their tasks by reporting and punishing the drug dealers for breaking the prison rules. They might also be physically threatened or be the victims of false complaints by this group of inmates.

'In a big prison, when you are a new face starting to work for the first time, the key drug dealers will tell an inmate to approach and ask us whether we are interested in receiving some amount of money every month or not. To accept the deal, all you have to do is pretending that you don't see any illegal activities inside prison... Basically, newly recruited officers might be scared and don't know how to react, so they tend to accept the offer easily. These boys usually earn only 8,000 baht (£160) a month from the government but the drug dealers offer them 20,000 baht (£400) a month which is almost three times their salary. The worst thing is that if they don't accept the offer, they can then be threatened....' (Officer: B)

Because of his arduous work in combating the drug business in prison, one interviewee experienced the most threatening moment. His house was shot at by a mysterious gunman while he was living inside with his son. Fortunately, nobody was injured in the shooting.

Before this violent incident, like some other interviewees, he had previously been threatened with words and messages. His car was scratched and soaked with fuel oil. It is believed that there are steps in these threatening actions, starting with a verbal warning, then the destruction of personal items, followed by threats to family members and then bodily assaults on the officer.

Before ending this section, I will point out another important finding. According to the interviewees, there was no diversity of male and female prison officers' experiences, among those who participated in the research. They had all encountered quite similar situations, such as the negative public image and so on. But there were some huge differences in terms of the impact of the drugs war. Apart from the overcrowding and understaffing issues, the female prison officers did not state that their lives were negatively affected.

With regard to the gender issue, there are various discussions in the prison literature, which suggest that female prison officers might find it more difficult to work in correctional settings with male inmates. For example, the occupation of prison officer is highly masculine and some women officers have found that once on the landings of male prisons they are not fully accepted by some of their male colleagues, although they are welcomed into the service at the recruitment stage (Crawley, 2004).

Nevertheless, I did not discover this in my study for several reasons. Firstly, in Thailand, female prison officers are not allowed to work as custodial officers in the male prisoner units. In other words, there is no chance that women officers will perform the task of taking custody of male prisoners. All women normally work in other areas, in particular in the administrative offices, doing routine paper work. In some cases, a female officer working in a rehabilitation section can go inside the men's prison or unit to provide inmates with training programmes. Conversely, male staff must not work in the women's units. Secondly, although I conducted

interviews with five female staff, they all worked in a women's correctional institution. Hence, during the conversations, they did not mention any issues regarding difficulties in working with men or in a male dominated atmosphere. However, this notion seems to highlight the gender role in prison management, in which the policy preventing officers from taking custody of opposite sex inmates can increase the masculine and feminine identities in the male and female prison organisations respectively.

In conclusion, this chapter focusing on the prison officers' world reveals that prison work in Thailand is still seeking public acceptance, as its image is considerably negative, compared to that of other government agencies. Most prison officers tended to share some common experiences, particularly the understaffing and illness arising from working in prisons. More importantly, according to the interviews, the war on drugs policy had affected the lives and experiences of the prison officers in numerous ways but the negative effects were overwhelmingly dominant. Obviously, their prison work had become more difficult and complicated, such as the endless trouble they had in dealing with the smuggling of drugs and contraband into prison, and the threats received from the drug dealers. Moreover, their public image had become poorer, in terms of bribery and corruption, as the media kept reporting the drug business committed behind bars. Interestingly, the officers stated that these problems were due to a profound change in the group of inmates, as discussed previously in Chapter 4. In the next chapter, the social connections between individuals in prison will be examined, which will complete all angles of the study on Thai prison life in the thesis.

Chapter 7 Examining Social Relationships

Having examined the lives and experiences of the individuals inside the prison world, both prisoners and prison officers, this chapter seeks to discover the interactions and the social structure that exist between these two groups of people. With respect to the framework, it could be said that the level of analysis in this chapter has shifted from the individual or human agency level (used in Chapters 5 and 6) to a higher level, which I will call '*the social relationships level*' because its scope does not cover specific human beings as the main subject. In other words, the principal focus of this discussion is the social interactions among the individuals behind bars. Throughout this chapter, it becomes apparent that prison inmates and prison officers have developed some patterns of social structures and relationships in Thai prisons. Crucially, the findings indicate some transitions caused by the 2003 drugs war policy.

Jewkes and Johnston (2006) maintained that over the last three quarters of a century, prison sociology has attempted to understand the social organisation of the prison community, and has also sought answers to these questions: What kind of social institution is a prison? What kinds of social relationships are formed between inmates? How stable are relations between inmates and staff? To explore the social relationships that Phillips (2012: 19) described as 'the vertical and horizontal relations' in the world of the Thai prison, two major aspects will be analysed in depth: the social relationship among prisoners, and secondly, the social relationships between prisoners and prison guards.

In the first section, the regular patterns of association and social interaction between the inmates will be investigated. During their prison lives, it was argued by the interviewees, that the prisoners must become involved with, experience or witness various social relationships

between prisoners including: house or 'baan'⁵⁵, homosexuality, and conflict behind bars. Some of these have been influenced by the declaration of the war on drugs.

Concerning the second component, it focuses on the social connections between prison officers and inmates, in particular the typical perception regarding their relationships with each other as well as the changes after the drugs war policy. Although the two parties seem to be on the opposite sides, it may not necessarily be that their social bonds are negative. In fact, in order to successfully maintain order and security measures, both groups are able to find appropriate ways to develop relationships and balance their power status.

7.1: Affiliation of prisoners

It is believed that once the prisoners have started their lives in prison, they usually attempt to form associations in order to overcome the possible threats. As pointed out by Sykes (1958), mutual alliances can counter three intrinsic threats: social isolation, material hardship and the risk of being attacked and exploited in a society of captives. The social alliances of the inmates can help them to have company and conversation, to share goods and other resources with other people when they are in need, and to gain support and protection from attack and exploitation. In Thailand there are various forms of social contact, both positive and negative, between prisoners. Nevertheless, according to the findings, there are some considerable differences between men and women's prisons.

7.1.1. Men's prison: from 'baan' to 'criminal network'

With regard to the preliminary stage of association, the 'house' in a Thai prison is the unique system of how the inmates live with each other. It is apparently noticeable in all of the men's correctional institutions, while in the women's prisons there are several differences, which

⁵⁵ Baan means 'home' or 'house' in Thai.

will be investigated later. The 'house or baan' in Thai men's prisons can be linked to two facets. Firstly, it shows the clear development of a small community, like a house or family behind bars, and secondly it indicates the area of origin or the locality of prisoner groups.

Normally, it is believed that prison society, like much of the free world, tends to be segregated by race and ethnicity (Goodman, 2008; Simon, 2000; Spencer et al., 2009 cited in Welch, 2011). Convicts, especially in the U.S., gravitate towards their own racial and ethnic groups. The African American and Hispanic groups are strongly established, whereas the white inmates also form cliques but these are generally not as cohesive as the former groups due to 'the lack of cultural bonding usually found among minorities' (Welch, 2011: 268). According to Phillips (2012: 31), England has a unique set of historical, legal, and political dynamics that have created and conditioned 'the nature of prison social relations in circumstances of racial disproportionality, and ethnic, cultural, and national diversity'.

In addition to race and ethnicity, some scholars have suggested that many inmate friendships are affiliations arising from a common home town or locality, which gives a sense of support and a sense of belonging (Giallombardo, 1966 and Crewe, 2009). Rowe (2008) suggested that in contemporary prisons in England and Wales, there exist strong local loyalties. Likewise, in Phillips' study (2012), the 'postcode identities' were discussed as the collective affiliations of young prisoners, which structured micro-interactions, allegiances and disputes (Phillips, 2012: 136). This type of grouping provided the basis for sociality and companionship, and a route for exchanging goods in the informal economy to mitigate the pains of imprisonment. Also, there was an obligation to assist and give mutual support to those from the same area in cases of conflict or dispute.

In Thailand, as was clearly stated in Chapter 5, people both in wider society and inside prison are not ethnically or racially divided. Hence, partially linked with neighbourhood and locality,

according to the findings, the inmates normally live in a group called a '*Baan*'. Each house is usually composed of between two and fifty inmates, and is known differently depending on the area of the hometown. To give some examples, '*Baan Klong Toey*' (or '*House of Klong Toey*') relates to '*Klong Toey*' district which is recognised as the biggest slum community in Bangkok (Worakul, 2006). Furthermore, there is '*Baan Tai*' or '*House of the South*', whose members are prisoners from the provinces in the Southern region. For this reason, it could be argued that the associations of male prisoners in Thailand are based on their place of origin, such as their province or the areas in which they grew up. More importantly, each house tends to have its own style with regard to how its run: either demonstrating influence, or keeping a low profile and so on.

'The inmates can form a group in many ways. They might have known each other when they lived outside. Some might come from the same districts or provinces. It's undeniable that some houses are very bad, just like gangs, but some houses are quite good. So it totally depends on you, to choose whether to live peacefully and behave properly or to cause trouble in prisons.' (Inmate: A)

It might be said that the locality has become the mechanism that determines the everyday lives of prisoners. Comparable to the leading role of the family for children, the house is acknowledged as the principal institution for the socialisation of Thai prisoners. In some cases, it is also a sign of an unofficial organisation inside the prison walls.

The primary reason why the house can be identified as an organisation is that there is a command hierarchy. To be more specific, each house is governed by the wealthiest and most influential person in that house, who is called '*the housemaster*' or '*Por Baan*' in Thai, which means '*a father of the house*' because he is the person who deals with any matters of his house. To illustrate, he is responsible for the house expenditure and sometimes acts as a mediator in cases where are conflicts between members of his house and other houses, as well as between members of his own house. Unsurprisingly, anyone who wants to become a housemaster must be more powerful than the other inmates. He is a person who gains the other inmates'

enormous respect. As for other members of the house, they have their own roles and duties to perform every day. Some of them are cleaners, while others are housekeepers, servants and so on.

'Everyone in the house has a task to do. If you are the housemaster, you may not need to do anything, just govern the house and pay the money for the food, groceries and clothes, something like that, but if you are poor or never have a visit from your family, you'll be in the bottom level which is the servant of the house doing every household work...' (Inmate: N)

Nonetheless, it is believed that the house in Thai correctional facilities is slightly different from *'the gangs'* in United States prisons because of several contrasting characteristics. As claimed by Levan (2011), the prison gang, which is usually based on its members' race and ethnicity, operates within the prison system as a criminally oriented entity that threatens, or is perceived to threaten, the orderly management of the prison. Moreover, violence is often a means by which to gain status among the inmates, and gangs provide the means, both to perpetrate this violence and to gain protection from either unaffiliated prisoners or from rival gang members.

On the contrary, the house in Thailand, is normally established by inmates coming from the same locality, to secure personal protection from the other inmates. In addition to the motives for its establishment, from the interviews, it seems the house does not seek to cause difficulties for the prison management or intend to use violence to gain higher status among the inmates, although there are obviously some houses that might be dominant and more influential than the others and sometimes these can be recognised as the gangs. Overall, however, the majority of houses in Thai prisons are just prisoner alliances, like an extended family, which help the prison inmates to survive in the prison world. More importantly, it should be highlighted that some houses are relatively small, composed of between two and five members, and are therefore almost completely unable to threaten the prison authority or

other houses. In terms of the subculture, there is also a dissimilar feature. Hanser (2013: 238) pointed out the notion of 'blood in—blood out,' as an example of gang subculture:

In order to be accepted within a prison gang, they must draw blood (usually through killing) in an altercation with an identified enemy of the gang. Once in the gang, they may only leave if they draw blood from the gang's enemy, which is sufficient to meet the demands of the gang leadership, or if they forfeit their own blood (their life).

Therefore, membership of a prison gang is usually for life. This lifelong membership emphasises the fact that when gang members are released from prison, they are expected to perform various favours for the members who are still incarcerated (Levan, 2011; Hanser, 2013). Contrary to this, the house in Thai prisons does not require lifelong membership, nor is compliance with any unique subculture necessary in order to join the house. In addition, most prisoners tend to break off contact with the other house members once they are freed. The interviewees claimed that those who were released never came back to visit, nor did they contact them in prison again.

However, there are some similarities between the prison gang and the house, in terms of a ranking system. The prison gang often has a hierarchical structure, with a leader and a council of members who work directly under the appointed leader (Levan, 2011). According to Hanser (2013), authority and responsibility are very clearly defined within prison gangs, which tend to be structured along the lines of a semi-military organisational scheme. In a similar fashion, the house in Thailand has an informal command hierarchy, governed by the housemaster or leader and other members who have their own roles to play.

In Thailand when new inmates arrive at the facility, they are asked by their fellow inmates about their hometown, and they are then told the name of the housemaster and the zone in which that house is based in the unit. Then they go to join the house of their hometown. Hence, they do not experience an entrance process such as the 'blood in – blood out' of prison

gangs. In some cases, newly arrived inmates might have been told by their friends or relatives outside to approach specific inmates whom they know and then join their houses. Besides, there is a chance that if they meet old friends or someone they are familiar with, they will inevitably become members of their house. Even so, it is worth mentioning that a move to another house is possible, if the prisoners cannot get along with other members or if they do not like the way the house is run.

In a related aspect of organisational attributes, some houses have been established for a long time and still survive with the same name behind bars although their housemasters have already been released or transferred from prison. The reason for this is that other members establish themselves as the next housemasters. To put it simply, there is a life cycle of houses in prisons running from generation to generation. As such, this pattern of association still exists and has become the true essence of Thai prison life.

In the U.S.'s Solano State Prison, Irwin (2005) similarly found a unique prison social organisation called 'Cars':

Cars, which are the most obvious and prevalent of the identified groups, are usually homies, persons who come from the same neighbourhood and are of the same race. However, some cars form on the basis of some other commonality such as religion. In Solano, there are Christian cars, Muslim cars and Asian cars (Irwin, 2005: 94).

It seems that although race and ethnicity have been the crucial grounds for prisoners' affiliations behind bars in the U.S., locality or neighbourhood, is the second factor in the formation of different groups of inmates among the same race. Similar to the 'baan' in Thai prisons, Irwin (2005) described that cars are not gangs:

They do not have designated leaders and codes. They are just a bunch of guys who share some commonality and hang together. They offer each other support, even some protection. They may have a member they respect and look up to – a 'shot-caller' – but not a formal leader (Irwin, 2005: 94).

However, 'cars' and the 'baan' or house in Thai prisons have dissimilar aspects. As already mentioned, the 'baan' in Thailand has the structure of an organisation, governed by a housemaster and consisting of house members who do their own tasks, while cars in U.S. prisons, as described by Irwin, do not have this structure.

An inmate told me that the most powerful and strongest houses might be different in each era. For instance, five years ago, the '*House of Klong Toey*' might have been the largest and most influential group in the CCID but it has been replaced by the '*House of Yarnnawa*'. The explanation for this is that '*Yarnnawa*' has become a district in Bangkok that is confronting serious drug problems and drug dealing⁵⁶.

Regarding the physical and geographical features, each house has its own space or zone,⁵⁷ which is generally composed of a table or some chairs where the members can come to have coffee, dine or gather together when they are free from prison activities. With respect to the fact that one large prison generally consists of five to eighteen units and there are about ten to fifteen houses in each unit, the total number of houses in a large prison might be between 50 and 180. Typically, in normal circumstances, each house is quite independent because the inmates try not to get involved or interfere with other houses.

'No, I won't go to walk around other houses because I don't want to get myself into trouble. The members of other houses might think that I walk there to be a spy especially if they've a kind of contraband or illegal activity. So, you must be very careful in terms of where to go and when to speak...' (Inmate: B)

⁵⁶ This comment is in line with the Bangkok Metropolitan Administration's report (2007) on '*Drug Situation in Bangkok Area*', which indicated that Klong Toey and Yarnnawa were the top two districts most reported by citizens as having widespread methamphetamine dealing and use in February 2007. Thus, many drug offenders living in this area were arrested and sentenced to imprisonment in the institutions. Once they were sent to prison, they joined the house of Yarnnawa.

⁵⁷ Generally, the house is situated somewhere in the prison unit, i.e. at the front of the vocational training warehouse, in the backyard, and in the locker zones, etc.

However, sometimes getting involved is inevitable, especially when there is a big fight or conflict between the inmates of different houses. This usually stems from one of the prison subcultures as discussed in Chapter 5: *'gambling debt'* or *'unpleasant conversation'*. A more in-depth investigation into conflict can be found in the later part of this chapter.

'In fact, if a house member has a fight with someone else, the housemaster will be the first one to know. I mean the member must tell their house leader first. Then he'll try to solve it by discussing it with the housemasters of the other groups. Sometimes, the prison guards in the unit might also be mediators in cases where the conflict cannot be resolved by the house leaders...' (Inmate: H)

Interestingly, most of the housemasters tend to be drug-related inmates, especially drug dealers, for two main reasons. Firstly, more than 50 per cent of the total prison population is comprised of drug-related offending prisoners. Secondly, the drug inmates seem to possess relatively greater financial wealth than other types of prisoners, either from money laundering or from their drugs businesses. Because of these features, the role of drug-related inmates in Thai prisons is very dominant. Accordingly, as discussed in Chapter 4, the crucial shift in the characteristics of the drug prisoners was significant. After the war on drugs in 2003, the key and influential drug dealers have increasingly become *'housemasters'* because of their possession of either massive amounts of money or tremendous power, more than other house members.

Moreover, some houses have become more powerful and bigger in terms of the number of members behind bars due to the fact that the drug dealers having been arrested during and after the war on drugs policy had a common place of origin or a common hometown, in particular the hub areas for dealing drugs.

Although the housemasters are very powerful, particularly when their houses have many members, it should be noted that these high-powered prisoners rarely cause problems for staff directly. To put it simply, they do not appear to be disobedient. The staff who

participated in Crewe's study (2009), often commented that they were normally chatty and friendly to staff, and very polite. In addition, powerful prisoners recognised the importance of disguising their activities from the authorities, who tended to pay more attention to those maintaining interpersonal dominance among prisoners. Likewise, in the case of Thai prisons, an officer discussed that:

'Overall, I think the large-scale drug dealers are very smart. They won't act against us directly. They seem to be quiet and talk to us politely; but behind our backs, they command other inmates to be against us...' (Officer: G)

From the interviews, the officers openly discussed that there were both pros and cons regarding the 'housemaster' and the prisoners' alliance as a house behind bars. In a positive way, it seemed easier for prison officers to maintain order and keep control of inmates by coordinating with the housemasters to closely manage their own house members. In other words, the guards provided the leaders with some power to govern their own members. By the same token, Jacobs (1977 cited in Crewe, 2009: 298) stated that in many institutions, the administration 'accommodated gang leaders in the interests of stability, reinforcing their power over other prisoners'. Conversely, in a negative aspect, it could be terribly dangerous if the prison guards let the leaders boost their strength freely without keeping a close eye on these houses. In fact, the prison officers must be able to adequately understand and monitor the movement of each group. Undeniably, the more members a house has, the more power it will gain inside prison, which could, in turn, attract the prison authority's attention.

'If they hold too much power, we must do something. It's dangerous. So, we usually transfer those powerful prisoners to other units, to break the strong connection with their right-hand men and all supporters. But from my experience, they'll then develop their own house and enhance their power again in the new unit. Just like that... Anyway, at least we can cease their supreme status for a short period until they can return to their power again...' (Officer: F)

In all three men's prisons, it was believed that another type of prisoner alliance developed after the 2003 drugs war. According to the interviews, it seemed that the prisons had become

places or markets for the inmates to exchange criminal knowledge and form alliances to engage in criminal activities. Therefore, it is argued that the ‘*development of criminal networks*’ behind bars has been established⁵⁸. The prison officers all insisted that this had occurred and were extremely concerned about this particular change. Some of the prisoners also discussed the chance of inmates to know more members of other criminal gangs and develop the networks. In various correctional institutions for drug addicts, where all of the inmates were drug inmates, the small-scale drug dealers could meet with the large-scale drug dealers, and thereby gain knowledge from the inmates who had once been in the production process, as well as learning who the traffickers were; because of this, the network of drugs had expanded within the prisons.

Furthermore, in other prisons, such as the BCP and KCP, which detained all types of inmates not just drug offenders, it was discovered that many drug dealers learned to organise gangs of hired gunmen, while the hired gunmen who had been imprisoned for murder could switch over and become involved in trading drugs.

‘When they are together, normally most drug dealers aren’t the rascals. But if they meet those killers, they could become “the flying tiger”. For example, a drug dealer has already made a deal in the drug business outside, but if they are betrayed by the buyers who don’t pay for the drugs, the group of hired gunmen in prison will coordinate and contact their gang members outside to threaten the buyers until they clear the unpaid debt’. (Officer: A)

⁵⁸ This claim of development of criminal networks is in line with DOC’s policy to establish the first super-maximum security prison to separate the group of powerful and influential drug dealers and detain them individually, in order to destroy the networks and reduce their power among other inmates. (DOC, 2013b). The design and management is similar to prisons in western countries, e.g. inmate cells, high technology equipment, and a decrease in inmate – staff relations. However, it is worth mentioning that the purpose of the supermax prison in Thailand might be different from in the U.S., in that it would not be for detaining dangerous inmates in terms of physical threat or a high risk of them physically harming prison staff or other inmates. On the contrary, it is for a group of powerful and influential drug dealers who are not openly aggressive.

It is believed that the criminal connections inside the prisons might have expanded, which could affect not only criminal behaviour behind bars but also many illegal activities in wider society. In three of the four prisons in which I conducted research, the officers had had to draw and update their maps displaying all of the suspected criminal networks inside their prisons. Because of this, it was also claimed by some staff that they had become overloaded, as this intelligence gathering was very time consuming and they were prone to be threatened by the members of the networks.

7.1.2. Women's prison

Similar to male prisoners, in female prisons women inmates also form close bonds with each other. Various forms of these social interactions have been reviewed. To give some examples, it is argued that 'female inmates form pseudo-familial relationships' as a means of alleviating the pain experienced due to the separation from their children and other close family members (Owen, 1998 cited in Stohr and Walsh, 2012: 117). Giallombardo (1966) identified two forms of friend-like relationships behind the bars of an American women's prison: rap buddies and homeys. While the term 'rap buddies' refers to becoming friends on the basis of liking each other and mutual assurances of confidentiality, 'homeys' are inmates from the same area although they may not have met before imprisonment. Interestingly, the latter tend to form groups through the same patterns of association observed in the men's prisons as that observed in men's prisons, formerly discussed.

However, from the interviews at the WCID, the only women's prison in this research, both the prisoners and the prison guards claimed that there was social gatherings, but not in the clear formation of a 'house', as existed distinctively in the male prisons. Similarly, in the U.S., Owen (2005) argued that few pre-existing social networks were present in the female prison with

the exception of ties among a few women who were members of community home girl networks.

'I think the association is not obvious. No clear-cut group of leaders, like those in male inmates. Perhaps because the prisoners here are all convicted and have at the maximum ten years to serve. They are considered as about-to-be-released persons. At first, they might stick with a party of prisoners who previously stayed together at the former facility, but later they tend to soon settle into the new place and with the other prisoners...' (Officer: S)

A possible reason for the female inmates' associations not involving a clear 'house' and 'housemaster' is that the prisoners mostly came from the lower and middle classes. In other words, most inmates at the WCID did not possess enough financial wealth to form and run houses, or to be responsible for all expenditure and for taking care of other prisoners as the male prisoners did.

'We must accept that our inmates are neither rich nor powerful. Some of them might know or have a connection with high profile people but most of them are from low and middle class families.' (Officer: S)

Concerning the inmates' alliances, the female prisoners could form groups for many reasons. To illustrate, as in the above-mentioned quote from an interviewee, they might assemble into a party of inmates who had previously been together in another prison. Also, they could gather into a group because they worked in the same prison workshop during the daytime, or because they had been transferred to the current facility on the same day. Some explanations regarding groupings of the inmates were that:

'In here, we are just like friends. There might be four to five people staying together but not very noticeably. We don't have a kind of house based on the hometowns where we are from.' (Inmate: P)

Repeated by the Inmate R:

'There is no "housemaster" or prominent leader of the group. Besides, we don't have a house name. We just form a group to stay together, have a chit-chat and help each other.'

In the case of the WCID, the inmates could be transferred there from various women's prisons⁵⁹. It should be noted that at this time there were only eight women's institutions in Thailand, which in turn made it easier for a group of female prisoners to get to know each other compared to male inmates.

'Here, they tend to gather with people from their former institutions, e.g. CWCI and Bangbon⁶⁰. But it's not something that's very obvious, I must say. I think we try to make them assimilate into this place, no matter where they came from. They must go to dine at the prison canteen during weekdays. So, it differs from men's prisons. However, during weekends they might gather as a group to cook their own meal because they don't need to eat at the canteen. I usually see them in a group. But I think gradually they can stay with other inmates.' (Officer: P)

In a nutshell, it is obvious that there are affiliations between prisoners in Thai prisons but these take different forms between male and female prisoners. On the one hand, the houses or affiliations arising from a common home town or locality are very dominant in the men's prisons. Each house has its clear housemaster. On the other hand, female prisoners gather loosely in groups without hierarchical structures and clear leaders. Welch (2011: 188) argued that female convicts tended to seek group affiliation for emotional support and 'a popular topic among those writing about women's prisons is the extent of homosexuality' which will be examined in the next section.

7.2: Homosexual relationships: 'Tom', 'Man', and 'Nong'

In Thailand, in the interviews, the topic of homosexual relationships was regularly mentioned, even though this point was not raised in the initial interview questions. During the fieldwork,

⁵⁹ The eight women's prisons in Thailand are: 1) The Central Women's Correctional Institution (CWCI); 2) Thonburi Women's Correctional Institution (TWCI); 3) Nakornratchasima Women's Correctional Institution (NWCI); 4) Chiangmai Women's Correctional Institution (CWCI); 5) Pitsanulok Women's Correctional Institution (PWCI); 6) Chonburi Women's Correctional Institution (CWCI); 7) Songkla Women's Correctional Institution (SWCI); and 8) The Women's Correctional Institution for Drug-addicts (WCID).

⁶⁰ This is an alias of Thonburi Women's Correctional Institution as it is situated in Bangbon district.

the prison guards and prisoners touched upon this topic in terms of the fact that some inmates had homosexual relationships.

Homosexuality has been a recognised part of prison culture since prison life came under study (Fishman 1934; Ford 1929; Gillombardo 1966; Halleck and Hersko 1962; Hopper 1969; Ward and Kasenbaum 1964, 1965, cited in Blackburn et al., 2011). It is one type of social relationship among inmates whilst they are in the prison world. According to Sykes (1958), homosexual relationships occur in prison as a way to encounter one of the pains of imprisonment: the deprivation of heterosexual relationships. In order to 'fulfil the desire or need for sexual gratification, inmates of the same sex have turned to one another' (Blackburn et al., 2011:59).

In general, there are two interesting points regarding homosexual relationships in prison to be addressed. Firstly, homosexuality can be identified as both a temporary and permanent trait. In the book *Society of Captives*, Sykes (1958) maintained that in prisons there are some habitual homosexuals: a group of men who were homosexuals before their arrival and continue their particular form of behaviour within the all-male prisoner society. Contrastingly, there are also groups of homosexuals who 'came out' while in prison, especially the kids or punks: heterosexual men and bisexual men who have been 'turned out' or forced to assume a sexually submissive role (Wooden and Parker, 1982). For the latter group, it is believed that they turn to homosexuality as a temporary means of relieving their frustration. Generally, both groups of prisoners are known differently to classify them clearly, as 'punks and fags' (Sykes, 1958), 'kids or punks' (Wooden and Parker, 1982) and 'J.T.O or jailhouse turnout' (Ward and Kassebaum, 2007). Interestingly, despite the fact that Sykes' study was conducted more than fifty years ago, his findings on this point have not been outdated. In reality, his argument about the various types of homosexuality still holds true, not only in the U.S. but also in Thai prisons.

Secondly, it seems widely accepted that homosexual relationships behind bars primarily involve two sides: those in active and passive roles. For example, Sykes (1958: 95-96) concluded that:

Homosexuals are divided into those who play an active, aggressive role, i.e. a masculine role by the stern standards of the prisoners, and those who play a more passive and submissive part. The former are termed 'wolves'; the latter are referred to as 'punks' and 'fags'.

From the findings, the homosexual relationships among Thai inmates, in both men's and women's institutions, will be reviewed as in the following discussion.

7.2.1. Men's Prison: 'Nong' and 'Ladyboy or Kathoey'

From the interviews, both the prisoners and prison officers claimed that there was a same-sex relationship behind bars: one inmate played the masculine role to support and take care of another male prisoner who had feminine traits. The phrase used to describe an inmate having this type of relationship was *'having or taking care of Nong'*⁶¹. 'Nong' refers to the 'punks, fags or kids' in the prisons in Western countries. There are also 'ladyboys' or 'kathoey' (in Thai), who can be recognised as a subset of 'Nong', referring to homosexuals who have the appearance of a lady. Compared to Sykes (1958)'s description, 'ladyboy' in Thai prisons seems to be nearly equal to 'the fag' who is a man with a womanly walk and who has gestures that are too graceful to be considered masculine. He may curl his hair, or colour his lips with homemade lipstick (Sykes, 1958).

Crucially, although Ward and Kassebaum (2007: 177) argued that there was a general consensus among staff and inmates that 'homosexual affairs generated in prison are temporary and situational', it seemed difficult to know exactly whether or not a person was a temporary homosexual in the Thai prisons. Due to the traditional and cultural fact that Thai

⁶¹ 'Nong' is a Thai word usually used to refer to a person, in particular a girl, who is younger than the speaker.

society has still not fully accepted homosexual status, many people who might be homosexuals are not willing to reveal their true sexuality and choose to marry and have a family just as heterosexual men do. According to Jackson (1997: 64), in the past:

Homosexuality of gender-normative men in Thailand was considered abnormal or unnatural, and therapeutic efforts were commonly made to 'help' them become heterosexual, a change of sexual orientation that many Thai psychologists through the 1960s, 1970s, and early 1980s were convinced was possible.

In spite of the fact that over the past few decades Thailand's apparent tolerance of non-heterosexuals has increased, it is argued that the country's largely Buddhist society is deeply conservative and that discrimination still exists (The Nation, 2007; Reuters, 2007 cited in Immigration and Refugee Board of Canada, 2008). As such, there is the possibility that this group of people might be able to fulfil their sexual appetites when entering prison because they do not have to be concerned about their parents or friends seeing their homosexual personality. To put it simply, prison can be a free world in which they are able to show their true sexual traits.

'I'm telling you an inmate's story. He had a wife and children outside but when he was here, he was a ladyboy. Frankly, he was very beautiful, just like a woman with long hair and make-up. We called him "Nong Nat". Unfortunately, he committed suicide although he was near being released. Nobody knew the reason, but other inmates told me that his father who was a strict and conservative army soldier could not accept that his son had become a ladyboy. I couldn't tell you whether he had wanted to be "kathoe" since he was outside or just found out his real desire inside here...' (Officer: A)

It becomes more difficult to analyse this issue in terms of temporary or permanent homosexual traits in Thai prisons. The social culture and cultural beliefs about homosexual identity within the context of Thai society are somewhat different to those in western countries, such as in the U.S., where homosexuality is comparatively more accepted: same-sex marriage is legally recognised in some states and there is a strong social movement for homosexual rights.

According to the interviews, the officers argued that some inmates could change from being men to ladyboys. In KCP, there was a policy of detaining ladyboy inmates together in one unit to make it easier for the prison management. Again, during my observations at BCP, a prison officer told me to look at a woman walking on the footpath; in fact she was a guy⁶².

It is inconclusive as to the exact reason why some men changed to be the ladyboys. It could be either because of their life in prison and the deprivation of heterosexual relationships, or a hidden personality trait that existed when they were outside. Some scholars have attempted to propose a possible explanation. From Ward and Kassebaum's perspectives (2007), a homosexual love affair in women's prisons may be viewed as an attempted compensation for the mortification of the self suffered during imprisonment: a period when personal worth is most severely questioned. Sexual involvement implies that an inmate is worth something because another person cares about her and pays attention to her. Furthermore, according to Wooden and Parker (1982), the prison environment tends to be hard, emotionally cold and even hostile. As such, everyone is starved of affection, although no one would ever admit to it.

Concerning sexual victimisation, according to the interviews with the inmates, there was no mention of this although it was argued that 'incarceration creates a high risk of sexual victimisation for males' (Wooden and Parker, 1982: 2). According to Irwin (2005: 159), most male prisoners do not engage in homosexual behaviour, but 'they are nervous about it' as there are sexual predators in prisons who are in search of new victims to seduce or rape. The prisoners in my study only shared stories of '*Nong*' or Kathoey. Having said this, this does not mean that sexual victimisation does not actually exist in Thai prisons. In Chapter 5, in the discussion regarding prison tattoos, it was indicated that some inmates decided to have

⁶² He has long straight hair and a female physical appearance. I was informed that this inmate was completely transformed from the first day he arrived in prison. It was beyond everybody's expectation that he would become a ladyboy like this.

tattoos on their bodies to make them look *'tough' and 'strong'*, hence reducing the possibility of them being sexually exploited by other inmates:

Any new arrival in prison who projects the image of being young and attractive and/or homosexual will be approached by many individuals in many different ways within a short period of time (Wooden and Parker, 1982: 101).

In the same manner, officer G explained that:

*'Some prisoners decided to have tattoos done behind bars because of the hope that the tattoos could be used as a shield against "K---"'*⁶³ (lip reading). *You know what I mean? Sorry, I don't want to say the whole word. It's too rude and inappropriate to say...'*

In brief, homosexual relationships in Thai men's prisons were observed not to differ from those in other western penal systems. Due to an inconclusive discussion, they could be argued to be either temporary or permanent traits. Moreover, the passive role, e.g. the *'Nong'* and *'ladyboy'* has been well-established in Thailand's male prison world to the degree that at KCP they are separated from other prisoners and housed in a different unit.

7.2.2. Women's Prison: 'Tom' and 'Man'

It is suggested that homosexual relations in female institutions tend to be 'more consenting and less coercive than in men's prisons where such contact often takes the form of assault or prostitution' (Welch, 2011: 188). Compared to *'punks'* and *'fags'* in men's prisons, female inmates would likewise be divided into having either *'butch'* or *'femme'* roles. Ward and Kassebaum (2007) noted that in the case of the butch, their behaviour and expectations derive from the model of masculine behaviour in society including having a masculine appearance (or at least not classically feminine) in terms of clothes, body structure and physiognomy. As for the femme, they continue to have the feminine characteristics of women

⁶³ *'Kuay'* is a rude word in Thai referring to the penis.

in the heterosexual population: maintaining a feminine appearance, being more submissive and passive in sexual relations, and providing a housekeeping service.

From the interviews, in Thai women's prisons three roles were identified in these relationships: the 'Tom' and 'Man' who were both butch, and the 'woman' who could be considered as the femme in the above-mentioned explanation. To put it simply, in a women's prison the masculine or active role could be performed by both the 'Tom'⁶⁴ and the 'Man', while the normal female inmate plays the feminine and passive role. An inmate explained that:

'Tom refers to an inmate who's naturally lesbian. She must have loved a woman when she was outside. Typically, she has never had a relationship with a boy or man before. In prison, she has a haircut just like a man, very short hair. In other words, her physical appearance is like a man...' (Inmate: P)

The same inmate continued:

'In contrast, "Man" is a word used to describe an inmate who used to have a boyfriend or a sexual relationship with a man before entering prison. But now she has turned herself into a "Tom", acting like a man and having relationships with other female inmates. We all know that the Man will finally go back to being a woman again once she's released. So, it's just a temporary relationship...'

Therefore, it can be concluded from the above explanation that on the one hand, a 'Man' in Thai female prisons is a temporary homosexual or 'jailhouse turnout: J.T.O', who has her introduction to homosexuality in jail or prison and is expected to return to heterosexual relationships when she leaves prison. On the other hand, a 'Tom' seems to be a permanent homosexual, who was homosexual before she arrived in prison and is expected to continue her gay life after she leaves (Ward and Kassebaum, 2007).

Interestingly, it should be noted that lesbianism tended to occur only in the women's prisons. In case of the central, provincial and district prisons where there were two units for male and

⁶⁴ Tom stands for a word 'Tomboy' in western countries.

female inmates, separately in the same establishment, the 'Tom' and 'Man' did not usually exist. In reality, the female inmates tended to focus on maintaining their former relationships or establishing new ones with inmates in male unit by writing love letters or communicating using the symbolic hand language. As mentioned in Chapter 5, they have created a sign hand language to communicate in the areas where male and female inmates can see each other.

It was argued by Ward and Kassebaum (2007: 95) that 'the incidence of homosexuality in the women's prison is somewhat greater than in men's prisons'. This might be true to some extent from my observations at the WICD because it was easier to spot the homosexuals in the women's prison, as the change in their appearance was obvious. Typically, a 'Tom' or 'Man' could be noticed because of their short hair, their large and loose prison uniform and their masculine gestures that reflected the symbolic meanings of men in wider society. Furthermore, some female inmates made the decision easily to become homosexuals, especially to become a 'Man', because they wanted to have a better life behind bars. By doing this, 'Man' inmates were well looked after by their girlfriends in prisons. An inmate indicated that:

'Some of them want to be specially treated with food, clothes and extra care. They want to be looked after by other female inmates who love them. That's why they just turned themselves to be 'Man'. It's very easy to know. These people would change themselves by cutting their hair, wearing a loose uniform and changing their personality...' (Inmate: P)

In a similar vein, this pattern of behaviour was also apparent in Ward and Kassebaum (2007)'s study. One of their interviewees related that:

There are quite a few butches that come from county jail. They just had a baby, and somebody says, wow, if you don't have any money coming in, cut your hair and drop your belt and wear high socks and you've got it made, and that's right'. You've got all kinds of girls chasing them, buying them coffee, cigarettes, knitting them sweaters, and you name it, they've got it (Ward and Kassebaum, 2007: 144).

During my observations at the WCID, it was easy to see homosexuals. For instance, one of my participants presented herself as a *'Tom'*. During our conversation, she kept using the word *'Phom'* (means *'T'* in English), which is normally only used by men in Thailand⁶⁵. She told me that she had been a homosexual, always having affairs with women before entering prison.

'I have been like this since I was young. I always have a love relationship with girls and women. I'm never interested in men.' (Inmate: R)

One of the reasons why the female inmates were not concerned about showing their homosexuality is that homosexual relationships were not explicitly prohibited by the officers. In fact, the prison guards tended to understand that these social relationships were inevitable inside the prison world. According to the interviews, the prison officers were only concerned about conflicts or fights caused by jealousy or possessive love.

It should be noted that the development of homosexual roles, as well as the language referring to homosexuals in prisons, tended to be similar to those in wider Thai society. In truth, it seemed that homosexual status was more accepted and widely recognised among individuals behind bars than among people in society outside, who tended to perceive same-sex relationships in a negative way due to the historical and cultural contexts as well as their religious beliefs.

7.3: Conflicts in prison: emergence of *'samurai'*

The conflicts between prison inmates can be recognised in terms of their negative social relationships. In prisons, the problems of violence, fights, verbal abuse, and threatening behaviour seem to be routine and normal. Bottoms (1999: 207) emphasised the understanding of 'interpersonal violence within the framework of the prison's everyday social

⁶⁵ In reality, Thai women begin a sentence by calling themselves *'Dichan'*, *'Noo'*, or *'Chan'*.

functioning'. The interviewees generally agreed that conflicts happened regularly inside Thai prisons.

'Fighting in prison is normal. It can happen every day. In here, a trivial thing can cause a fight, you know? Petty problems can happen almost every day. The inmates are from dissimilar groups, and have grown up in different families. Now there are about 500 formal cases of conflicts among inmates each year.' (Officer: A)

Another officer pointed out:

'I must be well prepared 24/7 for the fights of inmates. Honestly, I am quite stressed because sometimes they were enemies or hated each other before being sent here. So, we cannot know what will happen. I mean they might try to stab the opponent in revenge from the first day they arrive. We never know.' (Officer: K)

Likewise, the inmates also supported the fact that conflicts among prisoners occur very often in their establishments:

'I think every prison has conflicts or fighting between inmates. Every facility that I have been in, there's always this kind of problem, but it may be different in terms of the levels of violence. Normally, I don't see any serious or dangerous conflicts. Ultimately, both sides could negotiate on their problems...' (Inmate: G)

Conflicts between inmates continuously erupt in both male and female prisons for many possible reasons. The overcrowding crisis is one problem that has led to increasing conflicts between inmates.

'When the prison was overcrowded, the inmates seemed to suffer from emotional stress and lose their temper easily. Please imagine that the prison didn't have enough food or sleeping space for everyone. It was normal that the inmates could have a fight to grab food or enter into a dispute over their sleeping area, which was taken by other people. Personally, I didn't like the overcrowded prison due to the sound of the leg irons. When the inmates moved their bodies, there would be a noisy sound of the iron chains hitting the floor. Sometimes I couldn't sleep all night...' (Inmate: L)

In the case of the men's prisons, it should be noted that the conflicts tended to mainly derive from gambling debts, drugs, bad conversations and a conflict of interest when smuggling contraband.

'In the relationships among us, sometimes there are fights and conflicts because there are a large group of people staying together. Most often the reasons are bad or rude words, verbal abuse and gambling. From my experience, they can fight with both inmates in their own house or in different houses. It doesn't matter. But I think if they are young inmates, they tend to use physical violence, which is different from other adult or older prisoners who are likely to discuss it with words. I mean they like to talk. Anyway, if the negotiation fails, they then use force...' (Inmate: L)

This was supported by a prison officer:

'I believe that drugs and contraband are the important sources of conflicts among prisoners. Many conflicts can be linked with drugs in prison, for example, with theft or with debts from trading drugs...' (Officer: F)

An inmate who had had personal experience of a fight told me his story:

'A long time ago I punched one younger inmate hard in his face because he didn't treat me with respect. It happened because I told him to move his mattress so that another inmate could have enough space for sleeping. But he was angry and didn't do it, so we had a bad conversation and then I punched him because I lost my temper. After that we had a big fight. Due to this violent incident, I got disciplinary punishment. My class was downgraded, so I lost many privileges. When I think back, I always feel that I should not have done it. The authority punished me because I was the first person who started the fight, no matter that he clearly pissed me off. Since then, I've never ever done it because I don't want to lose my privileges again...' (Inmate: H)

The above-mentioned quotation supports a study by Edgar et al. (2011), in which they maintained that there are factors that can delay, prevent or minimise physical violence. To give some examples, prisoners do not want to risk losing their privileges. Moreover, prisoners might have the ability to consider the possible long-term consequences of their actions and think before reacting.

According to Edgar et al. (2011), there are some prison norms regarding conflicts that conflicts must be resolved without turning to staff and a prisoner should not interfere in interactions between two other prisoners. However, in Thailand, as stated by many interviewees, this action seemed somewhat uncommon. Firstly, as discussed above, the housemaster is usually the first person to interfere in any conflicts occurring in his house, either disputes between members of his own house or with members of other houses. This is

a typical way of organising and dealing with prison inmates in this group. Secondly, to maintain power and the status quo, prison inmates often keep the prison guards informed, in order to end conflicts between prisoners. The role of the housemaster and prison officers is portrayed below:

'If there is a dispute, it could be expanded to a larger group. Therefore, the house leaders of those inmates might come to mediate. In fact, before getting into this degree of conflict, the prison staff will usually talk to the two parties to compromise or find the way to terminate the disputes...' (Inmate: K)

Nevertheless, if a fight is ultimately unavoidable, the prison staff have to approach the scene quickly and carefully when intervening in fights.

'It's vital that we must go to the location as fast as possible and separate the third parties out of the zone. Normally we'll call them to go back to their dormitory because these people like to provoke and create a negative atmosphere...' (Officer: L)

In the interviews, it was argued that the rise in the number of conflicts in prisons was another aspect of the relationships among inmates, which had been influenced by the drugs war. The prison officers claimed that although fights and disputes between inmates might be considered normal as they were criminals from different families and backgrounds legally forced to stay together in one place, they noticed that conflicts caused mainly by illegal drugs were happening with increasing frequency⁶⁶. This was different to former times, when disputes had been principally due to abusive words, bad conversations or fighting over food and sleeping places.

⁶⁶ It is unable to access the official data to compare the violent incidents between those occurring before and after the War on Drugs due to two key reasons. First of all, the HQ requires all 143 prisons to report only the serious cases of incidents: prison escape, riot and major fights causing death or serious casualties. As such, the prisons and correctional institutions do not provide the HQ with the data on other violent incidents including the disputes or fights among prisoners. Secondly, the staff at BCP, KCP, CCID and WCID all insisted that they did not keep the records of conflicts behind bars arising before 2009 as it was too long time ago.

'I found that the drug dealers would become immediately suspicious of each other. For example, if we could arrest or search and find the hidden drugs or mobile phones, they would think that they had been betrayed by somebody, who had sent a message to us. Then they might have a fight or physically abuse another prisoner due to their growing suspicion...' (Officer: N)

Again, in the Thai prison world, drugs have dominated and played a crucial role in social relationships, and might have caused transformations in some aspects. To clarify, after the declaration of drugs war in 2003 and the nationwide enforcement of NARA, pure drug users would not be sentenced to prison anymore but would be sent to receive treatment in rehabilitation centres. As a result, the use of drugs behind bars tended to gradually decrease. Central to this change, drug dealers who were not regular users, increasingly gained power and sold drugs by using prisons as a safe and hidden base from the police. They conducted drug business with customers outside, which in some cases provoked social tensions between prisoners, due to conflicting interests and a growing distrust of inmates who could possibly supply the prison authority with information.

Additionally, it is possible that conflicts between prison inmates were intensified due to the emergence of the 'samurai' group behind bars. The Japanese word 'Samurai'⁶⁷ has become a common term to refer a specific group of inmates. Their existence has been dominant since the war on drugs, when drug dealers' power has dramatically increased. This has created a specific type of relationship between the samurai or warrior and his leader. Some simple explanations regarding the samurai are that:

'The "samurai" is a group of incorrigible inmates who will do any kind of awful thing in prison: cause a disturbance or riot, be involved in drug smuggling, threaten or annoy other inmates, and make false complaints against prison staff. It's undeniable that they are very difficult to manage. My approach is that I'll try to separate them from their group and disperse them to different units.' (Officer: A)

⁶⁷ 'Samurai' refers to the warriors of pre-modern Japan.

Another prison officer added:

'You can notice the samurai easily. They like to have the tattoos all over their body including their face. They have been in prison many times and do not care what treatment programmes or activities we provide in prison. All they want is to make money and take advantage of other inmates. They have nothing to fear from the disciplinary punishments. My point is that, the large-scale drug dealers know how to use these people to help them. At first, they give them some drugs and money. Then they will do everything that the drug dealers want them to do, particularly illegal activities in prison...' (Officer: G)

As discussed earlier, the drug inmates, in particular the key drug dealers, tend to be quite smart and in some cases have become strategic thinkers. They have realised that they can have a group of samurai as their fearless warriors to fight their enemies: both the prison authorities and inmates who are their opponents. By doing so, the influential drug prisoners do not have to be directly involved in any unlawful behaviour; they are just the string pullers. The crucial point is that it has become harder for the prison officers to deal with the large-scale drug dealers because the evidence against them can be linked only to the samurai.

Another officer further observed:

'The high-powered drug dealers want the samurai as their flunkies. If they are together, that prison unit can become very chaotic – more than you can imagine. Thus, several years ago, the prison director decided to impose the regulation that there must be only long-sentenced inmates in my prison unit. By doing so, the samurai, who tend to be short-sentenced inmates, couldn't stay in the unit. This regulation helped me a lot to take control of the influential inmates much easier.' (Officer: B)

Briefly, the relationships between prison inmates have been affected by the drugs war in terms of closer connections among particular groups of inmates who want to continue criminal activities inside the prisons. The form of these relationships is varied, ranging from being partners in a criminal network, to being servants to the gang leader.

With regard to women's prisons, compared with prisons for men, it has been argued that almost all women's prisons are physically safer. Owen (2005: 279) argued that:

Physical violence between female prisoners is infrequent, with serious assaults involving weapons being even less likely. Verbal threats and loud arguments are more

typical expressions of conflicts. Physical conflicts do occur but usually in the context of a personal relationship or, less often, as a result of a drug deal or other material conflict.

In fact, fights or conflicts between female prisoners are often due to homosexual relationships.

According to Ward and Kassebaum (2007: 219):

In the women's prisons the homosexual squabbles, rivalries, jealousies and breakups appear to cause more fights, more suicide attempts, and more petty disturbances than all other factors.

Similarly, Welch (2011) believed that exploitation and intimidation are common in women's prisons, while extreme acts of violence are rare. When such aggression does take place, it is usually in response to theft, a dispute over personal relationships, or snitching. According to Owen (2005: 279), it is argued that 'organised conflicts related to gangs and ethnic strife have not been reported in the research literature'. In a similar vein, in Thai women's prisons, it seems that most conflicts are relevant to *'Tom and Man'* relationships; as described by the interviewees:

'There are no serious or big fights in here. The fights usually come from verbal abuse or the homosexual relationships, such as an inmate breaking up with their former lover and going to find a new one...' (Officer: Q)

One inmate explained:

'The conflicts among us can result from various incidents including stepping on another inmate's foot, taking the seat or the place of another inmate and also taking over other inmates' lovers... But I must say that it isn't a violent fight.' (Inmate: S)

Overall, it is worth mentioning that there are some clear differences between the conflicts in female and male prisons in Thailand. Firstly, in terms of the seriousness of the disputes, conflicts in male prisons tend to be more brutal and have more participants, ranging from two to more than fifty prisoners, because of the gathering of house members. Furthermore, in conflicts between male inmates, there is a high tendency for them to use sharp weapons adapted from forks or toothbrushes, while female inmates do not often use these. The staff in the WCID explained that:

'No serious dispute here, just a catfight: slapping, hair-pulling and scratching without any weapons. The most popular reason is their relationship with a Tom or Man. It's about jealousy.' (Officer: T)

In short, social relationships between Thai prisoners exist to alleviate the deprivations behind bars. The house or *'baan'* tends to be the most basic and significant association formed and maintained in men's prisons. It can help the prisoners to be protected against possible exploitation and conflict, to a certain extent. In some cases, the deprivation of goods and services can be relieved as the house members normally share food and other products within their houses. Furthermore, with regard to the deprivation of heterosexual relationships, it is obvious that homosexual identities develop inside prisoner societies, among both male and female inmates. Finally, the relationships among inmates can involve conflicts, which seem inevitable in a place where people live together all of the time, twenty-four hours a day seven days a week.

In the next section, the relationships between inmates and prison guards will be shown to reflect another type of social connection in the Thai prison world.

7.4: Brother and mother VS secret enemy

While this chapter begins with a discussion of the various types of relationships among prison inmates, the objective of this part is to emphasise the pattern of social relationships between prisoners and prison officers in Thailand. In general, the relationship between these two parties has been a focus for both prison scholars and practitioners, as it is very central to the factors determining the success or failure of the prison system and also affects the lives and experiences of both groups in the prison world. Crawley (2004: 94) noted that:

The positive relationships between these two groups facilitate the efficient control of prisoners and the security of the prison. Positive staff-prisoner relations clearly make the prison a less painful place for prisoners.

In some countries, the social relations between prisoners and prison guards are linked with race and ethnicity. In the U.S, white prison officers have tended to negatively assume that black prisoners behave illegitimately due to their stereotypical views of black prisoners, and resentment over their political activities (Carroll, 1974 cited in Phillips, 2012: 27).

From my findings, an interesting aspect of the social interactions between the prisoners and prison guards in Thailand was that there was no officer who had not been tricked or lied to by an inmate. It was considered as *'a must'* experience for all prison staff.

'In here, there's no finishing line of learning. I mean we must learn and study all the time. Although I've been working in prison for more than twenty years, I'm sometimes still deceived by the inmates (big smile)...' (Officer: A)

As such, the most significant social norm established by some of the common situations that the prison officers faced, was *'do not trust prison inmates'*. The prison guards had to bear this sentiment in mind at all times when dealing with inmates. An officer expressed his opinion as follows:

'The "must" thing to remember for all prison staff is that they must not trust the inmates. It's the absolute truth that exists in here.' (Officer: C)

Obviously, in the eyes of the prisoners, newly recruited officers tend to be the first target group to fall for a hoax, as they do not know much about the world behind bars. In some cases, the fooling of new prison staff is a way to test what type of officers they are as well as their weak points.

'The inmates could constantly lie to us about everything. A typical hoax for new prison staff is that they'll ask the officer to get some medicines because they are sick and urgently need those pills. Some of them might have illegal prescriptions (which they have got from the inmate who's the trustee in the prison's medical unit). So, if you buy it and are kind to them, you could find out later that they aren't sick. And those medicines, I mean Valium, Xanax, and Librium are pills normally used for treating anxiety and insomnia, but in prison these medicines could help them to get drunk...' (Officer: B)

An officer suggested that:

'It's a crucial issue. If there are new prison officers coming to work in my unit, I'll surely teach them about this trick of inmates. They use us by exploiting the weakest point in that the officers are kind and sympathetic towards them.' (Officer: D)

It is intriguing that in Thailand this aspect of being tested or fooled by inmates is not often mentioned to new prison officers. In other words, there is no training which attempts to teach them about this situation. If they are lucky enough, they will be repeatedly warned by senior prison officers or other colleagues who have been working in prisons for longer than they have. On the contrary, in England and Wales, new recruits are taught during basic training not to trust any prisoner. They are continuously told that in their dealings with prisoners, they should 'never trust the bastards' (Crawley, 2004: 147). Similarly, in the U.S., Irwin (2005: 65) maintained that in the job training, 'new staff members are taught to mistrust prisoners' because of the negative attitudes promoted by the prisoners who are in a position of extreme deprivation and who are antagonistic toward their overseers. Because of this the new recruits can learn to manage their feelings of sympathy and wanting to help the prisoners and avoid being manipulated by prison inmates. Riley (2012: 353) pointed out that in the U.S.:

The correctional officers learn to regard all inmates as untrustworthy, manipulative, and dangerous for the same reason as firearms enthusiasts are taught to treat all guns as loaded, and dentists are taught to see all patients as potential carriers of infection. Therefore, this understanding of inmates' characters expressed by correctional officers serves as a universal precaution.

As for the prisoners' tricks, one interviewee was willing to share his '*being fooled experience*'. It happened in an early period when he just started working in a correctional institution and was regarded as a '*newbie*'.

'My story is that one night shift, I saw a group of inmates playing a gambling game: Poker. So I told them to stop and asked their names in order to do a report for my senior officer. All of them gave me their names. The next morning I called out the names of all of the inmates who had gambled at night to sign the report form to admit that they had broken the prison regulations. However, the thing was that some inmates whose names were called out were not actually the same group of prisoners who had been gambling the night before. I could remember their faces..... At that time I realised that I had been totally fooled because the names they gave me last night were not real. They gave other prisoners' names. I was so pissed off because I had been fooled and couldn't do anything about it.

Later, the prison authority ordered us to have the inmates' names and their pictures in front of their sleeping cells so that we could recognise and know exactly who these inmates were... (Officer: J)

Also, in the interviews, one prison officer pointed out that it might be a normal experience of prison staff to be fooled by inmates once in their lifetime. Nevertheless, it is very crucial for them to be enlightened and not fall for the same trick again.

In Thailand, it could be said that the social relationship between prisoners and prison staff tends to rely strongly on mutual cooperation in performing their own duties. This is similar to Sykes' (1958) discussion, that in reality prison guards require some degree of co-operation from the inmates. Sometimes, the officers have to tolerate some minor infractions of prisoners. To put it simply, in Thai prisons, the officers are not able to exercise total power over the inmates. This genre of social interaction might be described as 'a symbiotic relationship', as observed out by Hanser (2013: 245). He argued that:

The symbiotic relationship exists between correctional staff and inmates as a means of developing mutually compliant and informal negotiations in behaviour that is acceptable within the bounds of institutional security yet, at the same time, allows inmates to meet many of their basic human needs. This relationship is grounded in the reality of the day-to-day interactions that prison security staff have with inmates who live within the institution.

One of the crucial reasons behind this form of relationship is the fact that most correctional facilities are overcrowded and seriously understaffed. As mentioned earlier in Chapters 4 and 6, the prison staff to inmate ratios, have never fallen to less than one to ten (Table 4.3) and the shortage of staff is a characteristic of the Thai prison system. A prison officer illustrated this scenario in that:

'No, we can't totally control the inmates. They heavily outnumber us. Do you believe that sometimes there are only five officers working in the unit among about 500 inmates? Just imagine that if they keep coming to us, one by one and slap or punch our face, with 500 times of slapping, five of us can be seriously injured. I don't want to even imagine if they want to cause the riot or disturbance. We'll surely be in a hazardous situation. Therefore, it's completely impossible to work without their cooperation...' (Officer: D)

In addition to the fact that their position of power within Thai prisons tends to be compromised and the officers need to gain some degree of mutual assistance from inmates, there was an agreement among all of the participants that the prisoner-staff relationships in both the men's and women's prisons can be seen as similar to the relationships between family members: *'brother'* or *'mother'* or *'sister'*.

The interviewees, both inmates and officers, used the words *'Pee and Nong'* in Thai, which mean *'older and younger brothers/sisters'*. In fact, in Chapter 6 there was a section that reviewed the staff's custodial and managing styles, which could be a valuable supplement to the interpretation of this social relationship, particularly from the viewpoint of the prison officers.

7.4.1. Brothers

It is slightly surprising that all of the inmates described the relationship between the inmates and prison officers as *'brother'*, since this indicates that they tend to rely on each other. This finding contrasts with the typical inmate code regarding contact with the staff in men's prisons, which emphasises that prisoners tend to avoid a lot of friendly communication with the officers. Convicts generally *'distrust officers and view those who talk regularly with staff as potential snitches'* (Welch, 2011: 190).

The inmates strongly insisted that most prisoners would not want to cause any trouble in prison. In fact, they wanted to live peacefully and quietly. There might be approximately 5 to 10 per cent of inmates who liked to cause problems and challenge the prison authority. From my observations at all of the men's prisons: BCP, KCP and CCID, there were several occasions when I saw a prison guard and an inmate walking closely together, with the officer's arm on

the shoulder of the inmate. This could illustrate the relationship between inmates and prison officers in Thai prisons, which is not always a hostile one.

'The relationships between inmates and prison guards are like brothers or relatives. We can talk to the staff and discuss any issues we are concerned about with them. I think we all respect each other. This relationship helps all inmates to live happier and more peaceful in prison...' (Inmate: E)

One inmate described:

'Most of us give the staff respect because we've been together in prison for a long time. In fact, they are kind of taking care of us. I think we help each other. Usually, if we are concerned about our family, such as because our relatives have stopped coming to visit us or they suddenly disappear from prison visiting, we can ask the guards to informally contact them and see if they are fine or not. Also, we can help the guards in return if they need a helping hand...' (Inmate: G)

In the U.S., it is believed that correctional officers give respect to inmates because this is an effective way of gaining inmate cooperation and they restrict their interactions with inmates to those who can help them better manage their work problems (Stojkovic, 2012: 355). Nonetheless, from my observations, it must be noted that the level of the relationship might be dissimilar in each correctional facility. At BCP, the officers cooperated more with the death row prisoners, prisoners serving life imprisonment or more than twenty years, because of the fact that they were more stressed than other inmate groups. There was a greater chance of them starting a riot or a disturbance if the officers put too much pressure on them.

'I think our relationship is like brothers. We don't treat them like a dictator or create such a wide gap. If they have any kinds of problems, I always encourage them to come to talk, so that we can find alternatives together. This is how we can minimise the chance of disturbances...' (Officer: F)

It is worth mentioning that the relationships between Thai prisoners and prison staff discussed in this chapter did not fully support Sykes' notion claiming that the custody-oriented establishments generated more oppositional cultures than treatment-based facilities (Crewe, 2007) as three facilities in this research are actually maximum security prisons and quite custody-oriented. To explain on this point, there are some possible reasons. Firstly, the

characteristics of culture and society in Thailand is different from the Western world. The structure of Thai society is based on the extended family and, by tradition and culture, Thai people had high respect for elderly, especially their parents and grandparents (Siriphanich, 1986). Secondly, the penal system and prison world in Thailand have developed and transformed by the major and long-standing problems: the prison overcrowding and shortage of staff. These are key factors which have influenced on the prison authority to not be able to provide fully custody-oriented treatment.

Another point to be noted is that this type of social relationship tends to be different from that which existed previously or at least in the past thirty to forty years. One officer, who had been working in prisons for about thirty years, pointed out that in the past the inmates had been very scared of the prison guards who could almost totally control the prisoners. The governor or prison director would be the person the inmates feared the most. It was argued that if the director went inside the prisoner units, all of these places would be extremely quiet. The prisoners would not even dare to look at him/her. As often argued throughout this study, the understaffing and overcrowding situations tended to be the major causes of this; also, the change in this social relationship may have come from globalisation and the increasing protection of prisoners' rights.

Nevertheless, there was a strong belief among the prison officers in the men's prisons that after the 2003 war on drugs one particular type of inmates became the '*secret enemy*' of the prison authority and prison staff. As already discussed, the inmates have gained more power and tend to be more intelligent. Therefore, inevitably, custodial work has also become more challenging. The inmates often ignore the staff's commands but they are also smart enough not to show their disobedience to the prison authorities openly. Crucially, the samurai have

become the prime agents for causing trouble and performing prohibited activities. Some opinions of the staff are as follows:

'Sometimes, when I have told them to do or to stop doing something, most of them have said "OK, sir. I'll do it" or "No problem, sir. I won't do it". Notwithstanding, what happens is that they'll let their flunkies do it instead of them' (Officer: E)

One interviewee claimed that one possible reason why the inmates have become disobedient is the corruption of some officers who accept offers from the drug prisoners.

'Recently, the inmates don't fear or respect the officers as they did before. I think it is partially from the corruptions. Besides, the inmates are afraid of the power and influences of their fellow inmates more than of prison guards.' (Officer: O)

The issue of bribery arises here again. In fact, bribery and corruption is not completely new to Thailand. Generally speaking, it is argued that corruption is a serious problem in many Asian countries today because of the combined impact of the low salaries of civil servants and political leaders, the ample opportunities created for corruption by red tape, and the low probability of detecting and punishing corrupt offenders (Quah, 2013). As such, corruption is not a direct consequence of the drugs war policy but its degree might have increased as the total value of the drug trade inside prison has increased enormously.

7.4.2. Mother

Compared to male prisoners, according to Welch (2011: 190), the women inmates often engage in 'more casual conversations with staff, and at times even seek their assistance in sorting out personal problems'. In Thai prisons, while the relationships between inmates and prison guards could be generally described as like '*brothers*' in male prisons, the female inmates defined their social relation with female prison staff as being like a relationship with a '*mother*' or '*older sister*', depending on the ages of the officers. Overall, it seemed that the social relationships in both the male and female prisons were similar in terms of the basic sense of a positive feeling, rather than a hostile one; but in the female prison, there could be

more maternal characteristic traits of female prison staff. According to the officers, they explained that:

'They usually call us "mama" or "mommy", but some inmates might call you "Khun" (a polite Thai word equal to "Ma'am" in English). I think we have a close bond of friendship. Some released inmates still keep in touch with me...' (Officer: P)

'Because the majority of inmates here are between twenty to thirty years old, much younger than us, they call us "mama". I think they deeply feel our leniency towards them. I mean we usually have a good relationship. There are some people who are stubborn but they are always willing to listen to us. When we explain the reasons, they understand and accept it. Overall, they behave.' (Officer: S)

One female inmate reflected that:

'Here, we often call the staff by two words: Mama and Khun. It depends on the distance of the relationship between us. If we don't know them well, we say "Khun" to give them more respect, but we might call them "mama" when we are familiar with them at some levels.' (Inmate: Q)

However, just like in the men's prisons, according to the interviews with some of the inmates, they insisted that there was a difference in terms of the degree of social relationships between each correctional facility, although the prison guards are still perceived as mothers or sisters. To give an example in the CWCI, the largest and most important women's prison in Thailand, the gap in relationships between prisoners and prison staff tended to be wider and more formal than in other female institutions.

'I think at "Yingklang" (an alias of CWCI), the officers are less chummy than the staff here (WCID). It's like I could feel the distance between us. Although we could go to talk to them if we had problem, it's quite different from here. Maybe... because at Yingklang there are too many inmates, ranging from short-term to death row inmates. So, the gap is huge' (Inmate: R)

Interestingly, it is crucial to point out that the impact and changes caused by the drugs war policy discussed above did not happen in the women's prison. In fact, the interviews at the WCID indicated that the social relationships inside the prison had not apparently been affected.

'I didn't see any difference in terms of the relationship. The only clear impact was the prison overcrowding which increased the difficulty of our work. Maybe, because our prison is the facility for the transfer, not a kind of intake, like CWCI. So, our inmates are those formerly detained in other facilities before, until their sentence terms are less than ten years, then they will be moved to this prison.' (Officer: P)

At this stage, it seems impossible to generalise from the findings the significant reasons as to why the women's prison did not experience the effects of the drugs war in the same aspect as the men's prisons. The explanation could be the uncommon characteristics of the female offenders, the dissimilar pattern of female inmate associations, or the type of facility, which is not categorised as maximum security, as the three men's prisons are. Consequently, it may be useful to further develop and explore this point in future research.

In short, this chapter highlighted the social connections among people in Thai prisons. It could be said that the social relationships between Thai prisoners were not distinctly different from those found in the western prison world. There was a pattern of association of inmates to help to ease the pains in imprisonment and overcome possible threats behind bars. The conflicts and the homosexual relationships were also witnessed and discussed. However, some differences could be detected. For example, the associations of male prisoners in Thailand are based on the same hometown, not racial and ethnic identities. The 'baan' has become the core prison community composed of the house leader and members in most men's prisons. After the war on drugs, it was argued that the influential prisoners, especially the drug-related male inmates, had become the decisive factor guiding the social relationships, especially the emergence of the drug business, a group of samurai and the criminal networks behind bars.

Regarding the prisoners and prison guards, their relationship was quite informal and not one of opposite sides. In reality, both groups tended to rely on each other, in particular the prison officers who could not fully control the prisoners but actually required greater cooperation from the inmates. This relationship, particularly in the men's institutions, had been influenced

by the drugs war on the grounds that the key drug prisoners had become increasingly hostile and silently disobedient but without direct confrontation. Moreover, some officers might accept bribes causing them to become subordinate to the inmates. These problematic situations are quite challenging for the Thai prison system, in attempting to complete its mission and achieve its aims of imprisonment.

Chapter 8 Conclusion

In this chapter, the primary aim is to bring all of the discussions together and highlight the contribution of this thesis to the study on the connection between drugs policy, in particular the war on drugs, and the penal system, as well as the sociology of imprisonment in Thailand. Although there are a number of scholars studying the drugs war, especially in the U.S., they have largely expressed a particular interest in the impact of the drugs war on the increase in the prison population (Inciardi, 1993; Hagan and Coleman, 2001; Mauer, 2001; Hallett, 2002; Jensen, 2008) and the disproportionate imprisonment of non-white American offenders (Chambliss, 1995 cited in Agozino, 2000; Alexander, 2010; Mauer, 2006; Provine, 2007, 2011; Reinerman and Levine, 1997; Tonry, 1996, 2011; Tonry and Melewski, 2008 cited in Lynch, 2012). However, they have not studied how this group of minorities who are increasingly sentenced to prison have shaped the social structures behind bars. To put it simply, they have tended to terminate their research enquiry at the prison entrance, not stepping into the prison world. As such, compared to my thesis, it could be argued that these existing studies have focused only on the same issues discussed in the early parts of Chapter 4, which examined the impact of the drugs war on the total prison population and on some groups of inmates that have quantitatively changed. The new aspects that I discovered in this thesis were centrally in Chapters 5 to 7, which indicated that the war on drugs had apparently had effects on various spheres of imprisonment in Thailand, in a negative direction.

This final chapter is divided into two major parts. The first section discusses the key findings of the thesis while the second section concludes with suggestions and recommendations for scholars wanting to study either the war on drugs policy or imprisonment in Thailand.

8.1: Key findings

This thesis was conducted to examine the impact of the drugs war policy, declared by the government on February 1st 2003, on imprisonment in Thailand. The scope of the policy impact covered almost all aspects of the Thai prison world, which were systemically divided into various spheres: prison inmates, prison officers and the social relationships among them. Furthermore, the study also explored normal prison life and the social dynamics among the individuals behind bars in Thailand, which is a non-western country and has therefore established its own penal world. As discussed in Chapter 2, the literature on the war on drugs in Thailand and in other countries has shown that its impact on the prison world has been overlooked. As such, the review of the literature on the prison study was particularly fruitful in defining the scope of the imprisonment and prison life which could be influenced by the drugs policy.

The 2003 war on drugs policy itself was widely criticised by many human rights organisations, particularly with regard to the extrajudicial killing of drug offenders. In terms of the criminological aspect, it could be said that the drugs war policy, based on the Narcotic Addict Rehabilitation Act B. E. 2545 (2002), was the turning point in perceiving drug users as patients, rather than criminals; previously they had been criminalised in the Thai criminal justice system for a long time. These measures were put in place to combat the dramatic boom in methamphetamine, which was the major drug problem in the country at the time. The social consequences of methamphetamine were huge and it was labelled as the enemy of the nation (ONCB, 2004; 2006).

Several months after the implementation of the policy, there was a dramatic decrease in the number of drug case arrests; besides, the total size of the prison population had declined. However, as discussed throughout this thesis, almost ten years later it was observed that

there had been some changes and effects caused by the 2003 drugs war within the prison world, which have been frequently overlooked. Thus, I believe my study directly addresses this issue and also emphasises how the drugs policy has influenced the penal system more than was originally expected.

Although the main focus of this thesis was the link between the 2003 drugs war policy and its impact on imprisonment, during the data collection, many interesting and wide-ranging aspects of prison life were also unpacked, which it was worthwhile to point out. In fact, prison studies in Thailand have been quite limited owing to the negative image of prisons and the difficult and relatively complicated procedures involved in gaining access to them. Suputtamongkol (1999: 26) maintained that:

The DOC did not often allow researchers to conduct fieldwork inside Thai prisons because of security problems. There was high risk that the inmates could take them as hostages. Also, some interview questions, from the DOC's viewpoint, might provide the inmates with a spur to escape or cause disturbance. Therefore, the DOC usually permitted the researchers to prepare only questionnaires, which would be examined by the DOC and distributed to the target prisons. Once they were completed, the researchers could come to collect their questionnaires from the DOC.

As such, this research can potentially contribute to the knowledge of imprisonment and prison life in Thailand on the grounds that most prison studies have primarily employed quantitative methods. The findings of this study were qualitatively analysed from observations and interviews with forty-six participants: twenty prison inmates, twenty prison officers, four prison directors and two former director generals of the DOC. The five-month fieldwork process was carried out at Bangkwang Central Prison, Klongprem Central Prison, the Central Correctional Institution for Drug-addicts and the Women's Central Correctional Institution for Drug-addicts.

Compared to the majority of the research findings on the drugs war in other countries such as the U.S., where it was claimed that it caused an increase in the number of non-white American

prisoners, the war on drugs in Thailand has had a crucial influence on the replacement of drug users by a group of influential drug dealers, due to the implementation of the NARA B.E. 2545 (2002). As discussed in Chapter 4, I argue that this change in the characteristics of drug prisoners became a key factor leading to other transformations in particular the shifts in prisoner society and the social relationships behind bars. In other words, the significant determinant of the social dynamics inside prisons is the inmates. Therefore, when there is a change in the attributes of the human agency behind bars various aspects of prison world are also modified.

The NARA B.E. 2545 (2002) also determined the significance of my findings which contrasted to the existing studies in the U.S., indicating the influence of drugs war on the dramatic growth of the prison population. On the contrary, the investigation in Chapter 4 noted that the number of prisoners in Thailand, according to the DOC's official statistics, had decreased overall, although there might be higher figures in particular prisons. After the drugs war, offences against the narcotics laws still accounted for the offences of more than 50 per cent of all prisoners in Thai prisons. However, the number of long-term, life and death sentence inmates increased due to the harsh punishment.

Considering the research questions, the significant findings could be explained by the framework of the three levels of analysis which was initially discussed in Chapter 1: the individual or human agency level focusing on the lives and experiences of both the prison inmates and prison officers who have been affected by the 2003 drugs war; the social relationships level emphasising the changes in the social interactions among prisoners and between prison officers and inmates; and finally, the prison system level, which seeks to examine the fulfilment in the aims of imprisonment by the Thai penal system. Although this

final level was not fully discussed in a separate chapter, it could be generalised from the findings in other levels.

The key reason why the analysis consisted of three spheres was that these were all crucial issues in the prison study that were also directly connected to each other. Besides, they could all have been affected by the drugs war policy even though the degrees of these effects might have varied.

8.1.1. Human agency level

At the human agency level, regarding the lives and experiences of the Thai prison inmates examined in Chapter 5, several existing studies have focused on the inmate subcultures, particularly with regard to tattoos and language. Nevertheless, according to my in-depth interviews, it was found that coffee drinking and gambling have developed as Thai inmate subcultures. From this point, the thesis also supported that some social practices behind bars can represent social life or what is actually happening in the outside world. To give some examples, some cultures such as gambling (Thongkham and Thitiraweewong, 2010) and drinking (Moolasart and Chirawatkul, 2012) were similarly stated in the society as Thai cultures, which people outside have also developed. Besides, new types of drugs becoming widespread outside were later found inside prison. The apparent similarities between the inside and outside worlds could also be recognised in the social relationships discussed in Chapter 7: homosexuality and the organisation of groups based on locality or hometown. The latter could well explain the reason why prisoners in Thai prisons usually form affiliations in a 'baan', not according to race or ethnicity as is largely found in western countries, because Thai society at large is not ethnically and racially divided.

Furthermore, the prisoners' lives and experiences behind the bars of Thai prisons were closely connected to the Royal Pardon, which was perceived as the prisoner's last hope. This

type of privilege was a significant mechanism inside Thai prisons to motivate most prisoners to be well behaved so that they could be released from prison sooner than stated in the terms of their original sentence. After the 2003 war on drugs, it is argued that the inmates' privileges with regard to receiving the Royal Pardon and their daily lives in prisons, particularly due to prison searches and the limitation in their right to receive parcels and food items during visits, had clearly been influenced. Crucially, the identity determined by a status of drug offenders, once they entered Thai prisons, after the war on drugs had become a significant factor in making their lives harder. As such, one of the central arguments in this thesis was that the identity of drug prisoners in Thai prisons could aggravate the pains of their prison lives on the grounds that no matter how well they behaved behind bars, they would receive relatively fewer privileges than other types of inmates. More importantly, their identity as drug prisoners could never be changed.

Concerning the prison officers' world, as mentioned in Chapter 6, Thai prison guards had to deal with a negative public image and the perception of their work being dirty, by focusing on their job as government officers who maintained a sense of pride in working for H.M. the King and the Thai people at large, in the same way as other civil servants working in different government agencies. In their working lives, being fooled by the inmates was normal during the early period of their prison work. Also, the prison officers had supervisory styles, which tended to be based on both leniency and strict order, depending on the circumstances they encountered. However, they all agreed that they must perceive prisoners as human beings by treating them with fairness and respecting their basic rights.

The drugs war also posed increasing difficulties for a group of prison officers whose work had become much more burdensome, in terms of dealing with the more influential and powerful drug prisoners and the emergence of the drug business behind the prison walls. Many guards

were tempted into being part of the drug trade, while those who devoted hard efforts to combating drug crimes behind bars had been constantly threatened and were extremely stressed due to their attempts to prevent the use of prison as a drugs crime scene. Their public image was more negative with regard to their views about bribery, especially when there were frequent arrests of drug offenders who were selling drugs by telephone from within the prisons.

8.1.2. Social relationships level

At the social relationships level, prison inmates normally developed, experienced or were involved in many types of mutual relations, including affiliations in the 'baan', which was primarily based on their locality and hometown, homosexual relationships, and conflicts inside prison. In terms of the social structure behind the relationships between prisoners and prison guards, this was based on mutual cooperation. The Thai prison officers were unable to fully exercise their power behind bars. This appeared to support Sykes' argument about the power sharing between the authority and the inmates as a system to maintain prison order. According to Sykes (1958), the prison guards have to compromise with the inmates on ignoring violations of the minor prison rules and regulations in order to secure compliance in the major areas of the prison regime. Similarly, Martin and Zimmerman (1994: 316 cited in Carrabine, 2004: 48) maintained that 'prisons achieve stability through the tacit consent and active cooperation of prisoners'. However, in Thailand there was a high degree of reliance on each other to the extent that the inmates described the officers as their brothers and mothers. After the war on drugs, male drug inmates became the decisive factors in guiding social relationships, especially with regard to the development of criminal networks in the prison world. Furthermore, some prisoners became the secret enemies of the guards.

It is worth emphasising that the criminal network was not exactly the same as ‘prisonization’ described by Clemmer (1958), who formulated the hypothesis that during imprisonment inmates learn the norms of the antisocial subculture from other prisoners. As such, ‘the longer offenders stay in prison, the higher their degree of prisonization, thus the greater likelihood of reoffending’ (Song and Lieb, 1993: 3). In Clemmer’s opinion, ‘prison was and remains the school of crime’ (Bauman, 2000: 42), influencing and deepening criminality. However, the criminal network behind Thai prisons, after the war on drugs policy, not only meant that prisoners had learned the criminal skills or the antisocial subculture, but also highlighted that the inmates agreed to cooperate to commit crimes together inside prisons.

8.1.3. Prison system level

The discussions in Chapters 4 to 7, established the findings at the final level of analysis that, although the Thai prison system has several roles to perform, the criminal network which has developed between the drug dealers and gunmen behind bars is linked to the evidence that the Thai prison system cannot fulfil its ‘incapacitation’ and rehabilitation roles. It could be argued that one of the effects of the drugs war is the failure of the incapacitation role of the Thai penal system. According to Flynn (1998: 13):

Incapacitation is the notion which believes that the offenders who are confined in prisons are rendered physically incapable of committing further crimes against the public for the length of their incarceration.

Contrastingly, there was plentiful evidence to illustrate that the inmates, particularly the drug dealers, could still sell and buy drugs inside the prison walls with potential customers outside. In other words, the inmates could commit more crimes while imprisoned. Accordingly, although the drug dealers were incarcerated in prison, the actual number of drug offences had not reduced. It is worth emphasising that the drug business does not primarily aim at trading drugs to inmates inside prison. In fact, it means the use of prison as the crime scene to trade

drugs with people on the outside⁶⁸. The negotiations happened inside the prison walls via hidden mobile phones.

In fact, in the present day, prisons have become a 'safe' place to do drug business for some inmates because it is not easy for police officers or other authorities to gain access. Many interviewees indicated that some prisoners still committed crimes while in prison especially in the drug trade:

'I think it's quite hard to say. I mean of course there are some prisoners still committing crimes behind bars but I want to stress that only some groups of inmates have the capability to do it, not all of us.' (Inmate: J)

As formerly mentioned, a key factor was clearly the possession of mobile phones in prisons.

'Communication technology is also important. In the past, it was so difficult to contact other people. The only way was writing a letter but now they have mobile phone technology making it easier to get contact. So, if they have either the power or money to obtain the phone then they are capable of offending in prison.' (Inmate: M)

Nonetheless, other channels could also be used apart from mobile phones to manage the drug business. One officer insisted:

'It's clear that there's still drug trade inside prison but we are trying to stop them by all means. Unluckily, there are many channels used to commit crimes. If we want to tap the phone or listen to their conversation during visitation, they like to complain to outside agencies, especially the human rights officer. Sometimes, they hire their lawyers to come to prison and visit three to five prisoners from different units at the same time as they've the same lawyers. Then they've the opportunity to discuss and make a business deal during the lawyer's visits. If we don't allow them to meet their lawyers, we'll be complained about again. So, it's quite difficult for us to prevent the crimes committed inside prison...' (Officer: K)

⁶⁸ The first official notice regarding the drug trade by the inmates in prisons was the Department Order No. MOJ.0705/v.24 (urgent) signed on April 30th, 2003. It stated that the prison officers must closely monitor the inmates and must not ignore or assist them in trading drugs from inside prisons.

In fact, the failure to fulfil their incapacitation role and the problems with regard to the custody of inmates are the clearest impacts of the drugs war on the aims of imprisonment in Thailand.

It is undeniable that rehabilitation in terms of drug treatment programmes has been systematically developed. Since the drugs war more drug treatment programmes have been improved and widely supported within correctional institutions. Nevertheless, it is worth mentioning that there have been some problems regarding rehabilitation. Central to this issue was that some drug inmates could not stop their criminal activities while they were still imprisoned or after their release. In truth, most interviewees agreed that some of them would return to prison if they did not get any support from their families and friends. Also, it would be more difficult if they went back to live in the same society and had contact with their friends who were involved with drugs. One interviewee told me that his friends were still waiting for him to go back and join the drug trade again immediately after his release.

In terms of 'deterrence', the prisoners in correctional facilities might hesitate slightly to recommit drug crimes, as they realised that their privileges, in particular the Royal Pardon and other personal benefits of drug inmates, were obviously less and they would be worse off than the other inmates. However, this did not deter the drug dealers in external society because most inmates indicated that before being sent to prison, they had never known about this inferior status. Even so, it remains debatable to discuss the impacts of the war on drugs policy on the 'deterrence' concept because some groups of inmates, especially the '*samurai*', previously discussed in Chapter 7, and the influential drug dealers, did not fear being punished or excluded from receiving privileges. As already discussed in many parts of this and previous chapters, they tended to continue with their drug businesses and to expand their

criminal networks in prisons, which means that the drugs war policy had not effectively deterred them.

Before ending this discussion, it is worth noting some significant points that emerged in parallel with the answers to the research questions. First of all, it is clear that drugs have had a strong connection and played an important role inside Thai prisons for a long time. Although there have been some changes in terms of the types of drugs and the role of drugs, which were used personally, and have increasingly transformed into a drug business, drugs have never vanished from the prison world.

Moreover, the impacts of the drugs war observed in the men's prisons were quite different from those observed in the women's institution. Apart from the similar effects on the lives and experiences of the female prisoners, including the overcrowding crisis, the negative or evil image, the ban on receiving parcels and the prison searches, the women's institution did not encounter the problems of drugs and mobile phone smuggling, the emergence of criminal networks, or the groups of 'samurai', as the men's prisons did.

At this stage, it seems impossible to generalise from the findings about the significant reasons why the women's prison did not experience similar effects or the drugs war as the men's prisons. The explanation could range from the uncommon characteristics of the female offenders, the dissimilar patterns of female inmate associations, through to the type of facility, which was not categorised as a maximum security prison, as the three men's prisons were. Consequently, this may be a good area to examine further and to explore in future research.

8.2: Suggestions and recommendations

Several groups of people who might gain some benefits from the suggestions and recommendations are: policy makers, people in the Thai criminal justice system and especially scholars interested in these particular topics. From the thesis findings, I raise the following suggestions and recommendations for further study.

I argue that this thesis was a discussion on a variety of aspects of prison, studied in Thailand. By covering these wide-ranging aspects, it offers a basic overview of imprisonment in the areas of prison inmates, prison officers, the social relationships and the functioning of the prison system as a whole. Nevertheless, there are some suggestions for researchers to engage in further study on these points:

First, as this study focused its findings on only one women's institution, the WCID, the arguments, particularly regarding the sociology of imprisonment and the impact of the drugs war on female inmate society were, thus, developed from one establishment. Consequently, some findings may be questionable in terms of the results in other women's prisons. Hence, in-depth research in more women's prisons would be very useful to enable further examination of the sociology of imprisonment and the effects of the drugs war policy more accurately, especially with regard to women.

In a similar vein, the observations and interviews were carried out in three men's prisons, which were all maximum security prisons based in Bangkok and Nonthaburi Province. Although the findings in these facilities were consistent and indicated similar results, there were doubts over the findings in prisons in other provinces in Thailand and also with other security levels, such as medium and minimum security in which the policy might have affected them in contrasting ways. Their consequences may be different and some new particular

issues might be discovered. Therefore, future study could focus on the effects on medium security prisons for men or the comparison between maximum and other security-level institutions.

Lastly, it is worth mentioning that prison studies in terms of qualitative research in Thailand, especially observation and in-depth interviews, remains unpopular. Most Thai scholars have preferred to give their participants questionnaires and have spent little time conducting interviews. These research traditions might miss the opportunity to obtain more comprehensive data. I recommend that prison researchers in Thailand invest their time as much as possible in being inside the prisons to observe and interview the participants. However, eventually this must depend on negotiations with the prison authority, as to whether or not to offer researchers access.

In conclusion, this chapter presented a short summary of the thesis: the research objectives and the key findings of the thesis, as well as suggestions and recommendations for decision makers and academic scholars. This research has contributed to prison sociology in two central features. Firstly, the findings have revealed the imprisonment in Thailand covering various key issues in the prison social world: the lives and experiences of the prisoners and prison officers; as well as the relationships between them. Previously, the resources and research in this field tended to be relatively limited. Secondly, the thesis pointed out that the war on drugs policy, particularly in Thailand, did create some influences on the social relationships in the prison world. This aspect could fill the gap in the existing studies having focused mainly on the the impact of the drugs war on the total prison population and on some groups of inmates that have quantitatively changed.

The discussions on the drugs war impacts on Thai imprisonment were concluded in three major spheres. Starting with an exploration of the prisoners' world, the thesis then revealed the prison officers' world, the social relationships among individuals behind bars and the aims of the prison system in Thailand. Generally speaking, the drug problems will not vanish from Thai society easily. The country tends to continuously encounter this crisis. As such, policies or measures to tackle drugs must be planned meticulously especially the possible impact that are likely to occur after their implementation, on all parties, including the prison world.

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Appendices

Appendix A: Letters requesting and giving permission to conduct the research in prisons

22 Caelum Drive, Colchester

- COPY -

United Kingdom CO2 8FP

วันที่ ๑๓ กันยายน ๒๕๕๓

เรื่อง ขออนุญาตเก็บข้อมูลเพื่อการศึกษาวิจัย

เรียน อธิบดีกรมราชทัณฑ์

- สิ่งที่ส่งมาด้วย ๑. สำเนาโครงการการศึกษาวิจัย จำนวน ๑ ชุด
๒. คำถามในการสัมภาษณ์ จำนวน ๑ ชุด
๓. จดหมายรับรองจากอาจารย์ที่ปรึกษา จำนวน ๑ ฉบับ

ด้วยข้าพเจ้า นางสาวพิมพ์พร เนตรทุกณะ นักศึกษานิเทศศาสตร์ ชำนาญการ สังกัด กองแผนงาน กรมราชทัณฑ์ ซึ่งขณะนี้ได้ศึกษาต่อในระดับปริญญาเอกทางด้านสังคมวิทยา (PhD in Sociology) ด้วยทุนรัฐบาล (ก.พ.) ณ University of Essex ประเทศสหราชอาณาจักร มีความประสงค์ขอเข้าเก็บข้อมูลเพื่อการศึกษาวิจัย เรื่อง “ผลกระทบของนโยบายสงครามยาเสพติดต่อระบบราชทัณฑ์ในประเทศไทยและสังคมวิทยาการคุมขัง” (The Impacts of War on Drugs Policy on Thai Prison System and Sociology of Imprisonment) โดยขออนุญาตเข้าเก็บข้อมูลจากผู้ต้องขังและเจ้าหน้าที่ จำนวนกลุ่มละ ๕ คน ที่เรือนจำ และทัณฑสถานจำนวน ๔ แห่ง ได้แก่ เรือนจำกลางบางขวาง เรือนจำกลางคลองเปรม ทัณฑสถานบำบัดพิเศษกลาง ทัณฑสถานบำบัดพิเศษหญิง ในระหว่างวันที่ ๑๕ พฤศจิกายน ๒๕๕๓ ถึงวันที่ ๑๘ มีนาคม ๒๕๕๔ โดยวิธีการสังเกตการณ์ และสัมภาษณ์เชิงลึก (รายละเอียดปรากฏตามสิ่งที่ส่งมาด้วย)

จึงเรียนมาเพื่อโปรดพิจารณา


ขอแสดงความนับถือ

ลงชื่อ 

(น.ส. พิมพ์พร เนตรทุกณะ)

โทร +๔๔ (๐) ๒๕๐๐๖๕๕๖๓๗, ๐๘๔๗๑๒๖๖๒๖

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ได้รับเรื่องแล้ว
ลงชื่อ... 
วันที่... ๑๕/๑๑/๕๓

ที่ ขธ ๐๓๐๕/

4491



กรมราชทัณฑ์

๒๒๒ ถนนนนทบุรี ๑ ตำบลสวนใหญ่

อำเภอเมือง จังหวัดนนทบุรี

15 กันยายน ๒๕๕๓

เรื่อง อนุญาตให้นักศึกษาเก็บข้อมูลเพื่อทำการวิจัย

เรียน นางสาวพิมพ์พร เนตรพุกคณะ

อ้างถึง หนังสือมหาวิทยาลัยอีสเซ็กซ์ ลงวันที่ ๑๕ กรกฎาคม ๒๕๕๓

ตามหนังสือที่อ้างถึงมหาวิทยาลัยอีสเซ็กซ์ ขออนุญาตให้นางสาวพิมพ์พร เนตรพุกคณะ นักศึกษาปริญญาเอก ภาควิชาสังคมวิทยา เข้าเก็บข้อมูลโดยวิธีการสังเกตการณ์และสัมภาษณ์เชิงลึก จากเจ้าหน้าที่และผู้ต้องขังในเรือนจำและทัณฑสถาน จำนวน ๔ แห่ง ได้แก่ เรือนจำกลางบางขวาง เรือนจำกลางคลองเปรม ทัณฑสถานบำบัดพิเศษกลางและทัณฑสถานบำบัดพิเศษหญิง เพื่อประกอบการทำวิจัย เรื่อง “ผลกระทบของนโยบายสงครามยาเสพติดต่อระบบราชทัณฑ์ในประเทศไทยและสังคมวิทยาการคุมขัง (The Impacts of War on Drugs Policy on Thai Prison System and Sociology of Imprisonment)” ความละเอียดดังแจ้งแล้ว นั้น

กรมราชทัณฑ์ พิจารณาแล้วอนุญาตให้เข้าเก็บข้อมูลในเรือนจำทั้ง ๔ แห่งได้ และเพื่อให้เป็นไปตามระบบการรักษาความปลอดภัยภายในเรือนจำ/ทัณฑสถาน ผู้วิจัยจะต้องปฏิบัติตามระเบียบข้อบังคับของเรือนจำ/ทัณฑสถาน และคำแนะนำของเจ้าหน้าที่อย่างเคร่งครัด อนึ่ง เมื่อได้จัดทำการศึกษาวิจัย เรื่องดังกล่าวเป็นที่เรียบร้อยแล้ว กรุณาส่งมอบให้สำนักทัณฑวิทยา กรมราชทัณฑ์ จำนวน ๑ เล่ม เพื่อใช้ประโยชน์ในทางราชการ

จึงเรียนมาเพื่อทราบ

ขอแสดงความนับถือ

อนุพร

(นายอนุตม์ สันธิพพันธุ์)

ผู้อำนวยการสำนักทัณฑวิทยา

ปฏิบัติราชการแทนอธิบดีกรมราชทัณฑ์

สำนักทัณฑวิทยา ส่วนมาตรการควบคุมผู้ต้องขัง

โทร. ๐ ๒๕๖๗ ๓๓๘๐ โทรสาร ๐ ๒๕๖๗ ๒๔๐๕

Appendix B: Interview questions

Interview with inmates

1. Can you tell me briefly about your personal information and background?
2. Do you know the War on Drugs policy and the Narcotic Addict Rehabilitation Act B.E. 2545? How do you feel about them?
3. Can you tell me about your life/ experience in prison?
4. Do you think that your life in prison has been changed after the War on Drugs? How has it changed?
5. Can you tell me about the prison cultures and inmate codes?
6. Can you describe the everyday relationships between you and other people in prison, such as inmates and prison staff? Are they different from the period before the policy implementation?
7. Have you witnessed any riots/ disturbances in your prison? How could the authority maintain the order in prison?
8. What do you think about the aims of imprisonment in Thailand? In your opinion, what the prisons are for?

Interview with prison staff

1. Can you tell me briefly about your personal information and background?
2. Do you know the War on Drugs policy and the Narcotic Addict Rehabilitation Act B. E. 2545? How do you feel about them?
3. Could you describe your work experiences in prison? Do you find any changes in your working life after the War on Drugs policy?
4. Can you tell me about the prison cultures and the inmate codes?
5. What do you think about the drug offenders? Do you notice any changes in the characteristics of prisoners and drug offenders?
6. Do you think that you have the full power to control prisoners?
7. Can you describe the relationships between you and inmates, and other prison staff? Are there any differences between these relationships before and after the War on Drugs?
8. Have you witnessed any riots/ disturbances in your prison? How could the authority maintain the order in prison?
9. In your opinion, what are the methods of running prison?
10. What do you think about the aims of imprisonment? Is there any change in these aims during the past 10 years?
11. Do you think that your prison can fulfil these aims?

Interview with the director of prisons

1. Could you please tell me briefly about your personal information and background?
2. What do you think about the War on Drugs and the Narcotic Addict Rehabilitation Act B.E. 2545? What are the strong and weak points of this policy in your opinion?
3. How could you and your prison react to the government's War on Drugs policy? How did this policy affect your prison administration?
4. What do you think about the drug offenders? Do you notice any changes in the characteristics of prisoners and drug offenders?
5. Could you describe the relationships among all inmates? Could you make comparison between the relationships among inmates before and after the War on Drugs?
6. What is your opinion on the relationships among your prison staff and the relationships between inmates and prison guards in your prison? Are there any differences between these relationships before and after the War on Drugs?
7. Do you think that your prison officers have the full power to control prisoners?
8. Have the riot and disturbance ever occurred in your prison? How could you maintain the order in prison?
9. In your opinion, what are the methods of running your prison?
10. What do you think about the aims of imprisonment? Is there any change in these aims during the past 10 years?
11. Do you think that your prison can fulfil these aims?

Interview with the former and current Director Generals

1. Could you please tell me about your personal information and background?
2. Could you please explain the evolution of the War on Drugs policy?
3. In what way that the War on Drugs policy is related to the Thai prison system?
4. What do you think about the War on Drugs and the Narcotic Addict Rehabilitation Act B.E. 2545?
5. What are the strong and weak points of this policy in your viewpoint?
6. Do you think that the War on Drugs policy was successful?
7. Could you please describe the impact of the policy on the work of the Department of Corrections? How has the work of the DOC been changed after implementation of the War on Drugs policy?
8. Could you please tell me the crucial Department's policies which have been formulated and implemented because of the War on Drugs policy?
9. What does society expect from Thai prison system? Is there any change in these aims during past 10 years?
10. Do you think that the Thai prisons can fulfil these aims?

Appendix C: Consent form

มหาวิทยาลัยเอ็กเซกซ์ (UNIVERSITY OF ESSEX)

แบบฟอร์มการยินยอมเข้าร่วมในโครงการศึกษาวิจัย (FORM OF CONSENT TO TAKE PART IN A RESEARCH PROJECT)เอกสารลับ (CONFIDENTIAL)

ชื่อโครงการ/การศึกษาวิจัย: ผลกระทบของนโยบายสงครามยาเสพติดต่อระบบราชทัณฑ์ในประเทศไทยและสังคมวิทยาการคุมขัง (The Impacts of War on Drugs Policy on Thai Prison System and Sociology of Imprisonment)

โครงร่างของโครงการ/การศึกษาวิจัยโดยย่อ รวมถึงโครงร่างของกระบวนการต่างๆ ที่จะใช้:

การศึกษานี้มีวัตถุประสงค์เพื่อศึกษาผลกระทบของนโยบายสงครามยาเสพติด และพระราชบัญญัติฟื้นฟูสมรรถภาพผู้ติดยาเสพติดปีพ.ศ. ๒๕๔๕ ตลอดจนวิเคราะห์ว่านโยบายดังกล่าวได้ปรับเปลี่ยนสังคมวิทยาการคุมขังและระบบเรือนจำ/งานราชทัณฑ์ในประเทศไทยอย่างไร โดยพิจารณาในแง่มุมต่างๆ เป็นสามระดับ ประกอบด้วย ระดับปัจเจกบุคคล ระดับเรือนจำและระดับระบบเรือนจำ เช่น ประสบการณ์ของผู้ต้องขัง ความสัมพันธ์ระหว่างเจ้าหน้าที่และผู้ต้องขัง การเปลี่ยนแปลงในคุณลักษณะของผู้ต้องขังคดียาเสพติด และทัศนคติของบุคคลที่เกี่ยวข้องในระบบเรือนจำ เป็นต้น

สำหรับกระบวนการศึกษาวิจัย ประกอบด้วย การสังเกตการณ์ในเรือนจำ และการสัมภาษณ์เชิงลึกกับกลุ่มผู้ต้องขัง เจ้าหน้าที่เรือนจำ ผู้บัญชาการเรือนจำ/ผู้อำนวยการทัณฑสถาน และอธิบดีกรมราชทัณฑ์/อดีตอธิบดีกรมราชทัณฑ์

ข้าพเจ้า, *(ชื่อสกุลของผู้เข้าร่วมฯ) ยินยอมเข้าร่วมในโครงการศึกษาวิจัยข้างต้น ซึ่งข้าพเจ้าได้รับฟังการอธิบายและได้อ่านรายละเอียดต่างๆ ของโครงการศึกษาวิจัยที่ได้เขียนไว้เป็นลายลักษณ์อักษรโดยละเอียดแล้ว

ลายมือชื่อ..... วันที่.....
(ผู้เข้าร่วมฯ)

ข้าพเจ้า,นางสาว พิมพ์พร เนตรทุกขณะ..... *(ชื่อสกุลของผู้ศึกษาวิจัย) รับรองว่าได้อธิบายและเขียนรายละเอียดเป็นลายลักษณ์อักษรโดยละเอียดให้แก่บุคคลที่มีชื่อระบุด้านบน ซึ่งได้เข้าใจในรายละเอียดต่างๆ ของโครงการศึกษาวิจัยนี้แล้ว

ลายมือชื่อ..... วันที่.....
(ผู้ศึกษาวิจัย)

*โปรดเขียนหรือพิมพ์ด้วยตัวอักษรบรรจง

(Translated version)

UNIVERSITY OF ESSEX**FORM OF CONSENT TO TAKE PART IN A RESEARCH PROJECT****CONFIDENTIAL**

Title of project/ investigation: The Impacts of War on Drugs Policy on Thai Prison System and Sociology of Imprisonment

Brief outline of project, including an outline of the procedures to be used:

This research aims to investigate the impact of the 2003 war on drugs policy and the Narcotic Addict Rehabilitation Act B.E. 2545 on the prison system and imprisonment in Thailand. There are three levels of analysis: human agency, prison and prison system. This framework covers various aspects of prison world, such as the lives and experiences of prison inmates, the social relationships between prison officers and prisoners, the change in the characteristics of the drug inmates and the perspectives of people working in the Thai penal system towards the policy.

The research methods comprises of observations and in-depth interviews with prisoners, prison officers, prison directors, and the former and current Director Generals of the Department of Corrections.

I,.....*(**participant's** full name) agree to take part in the above named project/ investigation, the details of which have been fully explained to me and described in writing.

Signed..... Date.....

(Participant)

I,.....Miss Pimporn Netrabukkana..... certify that the details of this project/ investigation have been fully explained and described in writing to the subject named above and have been understood by him/ her.

Signed..... Date.....

(Investigator)

*Please type or print in block capitals

Appendix D: The Narcotic Addict Rehabilitation Act, B.E. 2545 (2002)

NARCOTIC ADDICT REHABILITATION ACT
B.E. 2545 (2002)
BHUMIBOL ADULYADEJ, REX.
Given on the 27 day of September B.E. 2545 (2002);
Being the 57th year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:
 Whereas it is expedient to adjust a law on narcotic addict rehabilitation;
 This Act contains provisions relating to the restriction of rights and liberties of the people which section 29 together with section 31 section 35 section 237 and 238 of the Constitution of the Kingdom of Thailand allow to be done by virtue of provisions of law;

Section 1 This Act is called the “Narcotic Addict Rehabilitation Act B.E. 2545.”

Section 2 This Act shall come into force as from the day following the date of its publication in the Government Gazette, except that when and in what locality the provisions of Chapter 3 shall come into force shall be notified by the Minister in the Government Gazette, but all this is due to come into force within the period not exceeding one year as from the date that this Act come into forced.

Section 3 The Narcotic Addiction Rehabilitation Act B.E. 2534 shall be repealed.

Section 4 In this Act,

“narcotics” means the narcotics under the law on narcotics and narcotics under the law on narcotics control;

“narcotic addict” means habitually consuming narcotics and being in the state of narcotic dependence whereby such state is capable of being identified on a technical basis;

“rehabilitation” means any act for the treatment of narcotic addiction and for the rehabilitation of the physical and mental conditions of a narcotic addict including to cure of the physical and mental conditions of a narcotic addict to return to the normal state;

“Committee” means the Narcotic Addict Rehabilitation Committee;

“competent official” means the Director of rehabilitation centre or a person appointed by the Minister for the execution of this Act;

“Minister” means the Minister having charge and control of the execution of this Act.

Section 5 The Minister of Justice shall have charge and control of the execution of this Act and shall have the power to appoint competent official and issue Ministerial Regulations and Notifications for the execution of this Act.

Such Ministerial Regulations and Notifications shall come into force upon their publication in the Government Gazette.

CHAPTER 1

Narcotic Addict Rehabilitation Committee

Section 6 There shall be a Narcotic Addict Rehabilitation Committee, consisting of the Permanent-Secretary of the Ministry of Justice as Chairman, Permanent-Secretary of the Ministry of Education, Permanent-Secretary of the Ministry of Public Health, Military Supreme Commander, Royal Thai Police Commissioner, Attorney-General, Secretary-General of Office of Justice, Director-General of the Department of Employment Provision, Director-General of the Department of Local Administration, Director-General of the Department of Community Development, Director-General of the Department of Medical Services, Director-General of the Department of Communicable Disease Control, Director-General of the Department of Public Welfare, Director-General of the Department of Skill Development, Director-General of the Department of Corrections, Director-General of the Department of Medical Science Services, Director-General of the Department of Mental Health, Secretary-General of Narcotics Control Board, Secretary-General of Food and Drug Administration Board as members and not more than four other ex-officio members appointed by

the Minister, whereby not less than two of this number of members shall be the representative of Private Individual Organisation who perform on prevention or rehabilitation and have direct experience in working with narcotic addict and Director General of the Department of Probation as member and secretary.

The Committee may appoint a government official of the Department of Probation not exceeding two persons to be assistance secretary.

Section 7 The Committee shall have the following powers and duties :

(1) to submit recommendations to the Minister to the Minister in respect of the issuance of Ministerial Regulations for the execution of this Act;

(2) to submit recommendations to the Minister in Notifications related to rehabilitation centre under section 14 and section 16;

(3) to appoint and dismiss the sub-committee of Narcotic Addict Rehabilitation;

(4) to issue rules prescribing the rules and procedure in the consideration of the sub-committee of Narcotic Addict Rehabilitation under section 13;

(5) to submit commendations to the Minister in the requirement of locality for identification, rehabilitation or detention;

(6) to issue rules prescribing the rules and procedure on the identification of consumption or narcotic addiction, rehabilitation and the transference of the persons committed for rehabilitation to the inquiry official or prosecutor;

(7) to prescribe the rules relating to the detention and the transference of the alleged offenders during the identification or rehabilitation;

(8) to issue the rules prescribing the rules, procedure and conditions in the consideration of the grant provision release;

(9) to issue the rules prescribing the rules and conditions in the examination and follow-up the result of rehabilitation of the persons granted for provision release;

(10) to consider and decision the appeal of the decision or order of sub-committee of Narcotic Addict Rehabilitation under section 38;

(11) to prescribe the rules relating to the visit and communication with persons committed for identification or rehabilitation during the identification or rehabilitation;

(12) to issue rules prescribing the rules in the reduction and extension of the duration of the rehabilitation;

(13) to issue rules prescribing the rules and procedure on reporting the result of the rehabilitation to the Committee and the procedure on reporting the result of the identification including the result of the rehabilitation to the inquiry official or prosecutor;

(14) to issue rules prescribing the rules in the consideration of the infliction of the punishment for the persons violated or failed to comply under the rule, conditions and regulations under section 32;

(15) to prescribe the other rules for the execution of this Act;

(16) to consider the other matters as the Minister entrusted and to perform other acts according to the powers and duties of the Committee that prescribed by law.

Section 8 A member appointed by the Minister shall hold office for a term of two years. An outgoing member may be re-appointed.

Section 9 A member appointed by Ministry vacates office before the expiration of the term upon:

(1) death;

(2) resignation;

(3) being removed by the Minister

(4) being a person of unsound mind or mental infirmity;

(5) being a person of bankruptcy;

(6) being imprisoned by a final judgement.

In the case where member vacates office before the expiration of this term, the Ministry may appoint other person to replace him.

In the case where there is an appointment of member during the term of the member already appointed, whether it is an appointment of an additional member or appointment of the

person to replace the outgoing member, the appointee shall hold office for the remaining term of the members already appointed.

Section 10 At a meeting of the Committee, the presence of not less than one-half of the total number of members is required to constitute a quorum. The Chairman of the Committee shall preside over the meeting. In case where the Chairman is not present at the meeting or is unable to perform his duty, the members present shall elect one member to preside over it.

The decision of the meeting shall be majority of votes. Each member shall have one vote. In case of an equally of votes, the person presiding over the meeting shall have an additional vote as the casting vote.

Section 11 The Committee may appoint a sub-committee to carry out any act as entrusted, and section 9 and section 10 shall apply mutatis mutandis.

Section 12 The Committee shall consider to appoint a sub-committee of Narcotic Addict Rehabilitation in the localities where appropriate, consisting of the representative of Ministry of Justice as the Chairman of the sub-committee of Narcotic Addict Rehabilitation, one medical doctor, one psychologist, one social worker and not exceeding two members appointed from the persons who have the qualification according to prescribed in Ministerial Regulation as member and one representative of the Department of Probation as member and secretary.

The medical doctor according to the paragraph one shall be considered to appoint from the psychiatry doctor, if may not appointed the psychiatry doctor it shall appoint from other medical doctor who is appropriate.

The number of sub-committee of Narcotic Addict Rehabilitation would be had how many, the Committee shall consider to appoint in regarding to the amount of cases relating to narcotics which occurred in accordance with that area.

The section 9 and section 10 shall apply to the sub-committee of Narcotic Addict Rehabilitation mutatis mutandis.

Section 13 The sub-committee of Narcotic Addict Rehabilitation shall have the following powers and duties:

(1) to consider to decide whether the persons committed for identification is a consumer or an addiction or not;

(2) to follow-up and supervise the detention of alleged offender during the identification or rehabilitation for the execution accordance with rules prescribed by the Committee.

(3) to consider the transfer of persons committed for narcotics dependence treatment or committed for rehabilitation from a rehabilitation centre to another rehabilitation centre, including to consider to reduce or extend the duration of rehabilitation;

(4) to consider to grant provision release of the person committed for identification or the person committed for rehabilitation;

(5) to inform the result of identification or the result of rehabilitation to the Committee, inquiry official or prosecutor, in case depend upon.

(6) to consider the rehabilitation plan for the alleged offender who was charged to committed the offences that required under section 19;

(7) to follow-up and supervise the rehabilitation of the persons committed for rehabilitation within its territorial jurisdiction which in accordance with rehabilitation plan.

(8) to consider the result of rehabilitation under section 33;

(9) to submit the recommendations to the Committee in respect of the identification procedure and rehabilitation procedure;

(10) to perform other acts under the laws required for the powers and duties of the sub-committee of Narcotic Addict Rehabilitation;

(11) to consider other matters as entrusted by the Committee.

Rules and procedures in the consideration under section (1) (3) (6) and (8) shall be in accordance with the regulation prescribed by the Committee.

CHAPTER 2

Localities for Identification and Rehabilitation

Section 14 For the purpose of rehabilitation, the Minister shall have the power to establish and dissolve rehabilitation centers by notifying in the Government Gazette.

A rehabilitation centre shall be an institution for treatment under the Penal Code.

A rehabilitation centre shall be a unit of the Department of Probation of Ministry of Justice.

Section 15 The Notification establishing a rehabilitation centre shall have the following particulars:

(1) prescribing the exact territorial jurisdiction of the rehabilitation centre with the map specifying such territory attached to the Notification;

(2) prescribing the localities falling within the territorial jurisdiction of the rehabilitation centre under (1).

Section 16 In the case where there is the reasonable ground, the Minister may notify in the Government Gazette modifying the territorial jurisdiction of the rehabilitation centre under section 15 (1) or modifying the localities falling within the territorial of the rehabilitation centre under section 15 (2).

The modification of the territorial jurisdiction of the rehabilitation centre under the paragraph one, its shall have a map clearly specifying the original territory and the modified one is required to be attached to the Notification.

Section 17 Each rehabilitation centre shall have one Director of the Rehabilitation Centre as the superior official responsible for the performance of official duties thereof and having the following powers and duties:

(1) to identify the consumption or the narcotic addiction of the persons committed for rehabilitation where admitted under section 19;

(2) to detain the persons committed for identification or the persons committed for rehabilitation during the identification or the rehabilitation and supervise such persons to comply with various rules, conditions and regulations;

(3) to carry out the rehabilitation of the persons committed therefor in accordance with the rules prescribed;

(4) to follow up the result of rehabilitation of the persons granted provisional release;

(5) to prepare a report on the result of the consumption or the narcotic addiction identification, including the result of the rehabilitation to be submitted to the sub-committee of Narcotic Addict Rehabilitation;

(6) to issue regulations of the rehabilitation centre for the execution of this Act;

(7) to perform other duties as entrusted by the Committee or sub-committee of Narcotic Addict Rehabilitation.

Section 18 In the case where it is appropriate, the Minister shall have the power to notify in the Government Gazette requiring the institution for treatment, the institution for child and youth obligation and protection, the institution of government or other institutions to be the locality for identification, rehabilitation or detention where out of the rehabilitation centre. In this case, the sub-committee of Narcotic Addict Rehabilitation shall have the power to require the supervisors of such localities have any powers and duties likewise the Director of Rehabilitation Centre under section 17 which suitability for such localities.

CHAPTER 3

Rehabilitation

Section 19 Any person who is alleged to consume the narcotics, consume and have in possession the narcotics, consume and have in possession for the propose of disposal or consume and dispose the narcotics which character, type, category and quantity prescribed in the Ministerial Regulation, if he does not appear to be the alleged offender or to be prosecuted for other offences which punishable with imprisonment or to be imprisoned by judgement of court. The inquiry official shall transfer the alleged offender to the court within forty eight hours from the time when such alleged offender came to the office of the inquiry official for the court to consider and issue the court order to transfer such alleged offender for the identification of

narcotics consumption or narcotic addiction, except there is a crisis cause or other necessary cause risen from such alleged offender or from the changing of circumstance which cannot transfer the alleged offender to the court within the time as above mentioned.

If the alleged offender has not yet completed eighteen years old of age, in the proceeding under paragraph one. The inquiry official shall transfer the alleged offender to the court for the court to issue the court order to identify within twenty four hours from the time when such alleged offender came to the office of the inquiry official.

The transference for identify of consumption or narcotic addiction, the court shall consider to transfer the alleged offender to detained for identify at the rehabilitation centre, the locality of identification, rehabilitation or the detention that prescribed in the Ministerial Notification. The court, when taken into consideration together with the age, gender and the individual specific character, shall inform the sub-committee of Narcotic Addict Rehabilitation to acknowledge.

The inquiry official, during the identification and the rehabilitation, shall continue the inquiry proceeding and when has inquired, the inquiry official shall consign such inquired record to the prosecutor without the transfer alleged offender together and inform to his acknowledge that the alleged offender was detained at the rehabilitation centre, the locality for identification, rehabilitation or detention at anywhere.

The inquiry official or prosecutor, during the alleged offender was detained under this Act, shall not carry out the committal or posting the prosecution under the law.

Section 20 The person who appear to be alleged offender, if appear to any alleged offender who consume narcotics, before, at the time or after arrested for the purpose of himself shall receive the transfer for rehabilitation and not to be prosecuted on the account of consume and have in possession, consume and have in possession for the purpose of disposal or consume and dispose the narcotics, shall not have the right to receive the rehabilitation under this Act. The sub-committee of Narcotic Addict Rehabilitation shall inform the inquiry official or prosecutor, in case of depend upon, to receive such alleged offender to continue the proceeding accordance with the law.

The localities where accepted the alleged offender for identify or rehabilitate, during of waiting the inquiry official or prosecutor, in case of depend upon, to receive the alleged offender to continue the proceeding, shall have the power, in necessary, to detain such alleged offender, all this is due to the inquiry official or prosecutor, in case depend upon, shall come to receive the alleged offender immediately where able to be done.

Section 21 The sub-committee of Narcotic Addict Rehabilitation, in the identification of the alleged offender under section 19, shall conduct to comply to the competent official to prepare the record on biography, behavior on committed the offences through out all circumstances of the alleged offender who committed for the identification, and identify of consumption or narcotics addiction.

The identification shall conducted within fifteen days from the date accepted such alleged offender into the locality for identify, except there is a necessary cause, the sub-committee of Narcotic Addict Rehabilitation may issue order to extent that time not exceeding thirty days.

Rules and procedures of identification shall be in accordance with the rules as prescribed by Committee.

Section 22 In the case where the sub-committee of Narcotic Addict Rehabilitation have decision to the alleged offender who committed for identification as to be a consumer or narcotic addict, its shall have the rehabilitation plan and shall inform the result of the identification to the prosecutor to acknowledge. In this case, the prosecutor shall issued the order to suspend the prosecution until he receipt the inform of result of rehabilitation from the sub-committee of Narcotic Addict Rehabilitation under section 33.

In the case where the prosecutor approve that the alleged offender whom he receipt the inform of result of the identification under paragraph one have no right to admitted the rehabilitation under this Act. The prosecutor shall continue the proceeding and inform the result to the sub-committee of Narcotic Addict Rehabilitation to acknowledge.

If the result of identification disappear that the alleged offender to be a consumer or narcotic addict, the sub-committee of Narcotic Addict Rehabilitation shall report the result of

identification to the inquiry official or the prosecutor to consider to continue the proceeding under the law.

In the case where the transfer of the alleged offender back to the inquiry official or prosecutor to continue the proceeding, the provision of section 20 paragraph two shall apply *mutatis mutandis*.

Section 23 In the conducting of rehabilitation plan under section 22, its shall required locality and procedure for rehabilitation that suitable with the state of the person committed for rehabilitation, when taking into consideration together with the age, gender, biography, behavior on committed the offence related to narcotics throughout all circumstances of such alleged offender.

The requirement of locality for rehabilitation under paragraph one may require to be a rehabilitation centre or the locality of rehabilitation which prescribed in the Ministerial Notification where from the institution of treatment, the institution of child and youth obligation and protection, the locality of government or other localities where is appropriate.

The requirement of the procedure of rehabilitation shall require in respect of the following procedure:

(1) in the case where necessary to detain in restriction of the person committed for rehabilitation, shall transfer such person to admitted for rehabilitation in rehabilitation centre or the locality of rehabilitation where have the detention system to prevent the escape;

(2) in the case where unnecessary to detain in restriction of the person committed for rehabilitation, shall transfer such person to admitted for rehabilitation in the locality of rehabilitation that is suitable and shall require the conditions to the person who committed for rehabilitation to stay within the area that required during the rehabilitation;

(3) in the case where unnecessary to detain the person committed for rehabilitation, may require to the person committed for rehabilitation to conduct with any other procedure under the supervise of probation official;

(4) during the rehabilitation, may require to the person committed for rehabilitation trained in occupation, working on social service or to conduct any acts that is suitable for the security in the life which left away from the narcotics.

Section 24 In the case where the fact appear in after the court issue the court order under section 19 that the person who committed for the identification or the person committed for rehabilitation was alleged or prosecuted on other offences which such offences shall be liable for the imprisonment or to be imprisoned by judgement of court. The court shall consider to issue the court order to transfer such person to the inquiry official for continue the proceeding.

Section 25 A person committed for rehabilitation shall undergo the rehabilitation under the rehabilitation plan for a period not exceeding six months as from the date of the commission therefor.

In the case where it appears that the result of the rehabilitation is unsatisfactory, the sub-committee of Narcotic Addict Rehabilitation shall consider to extend the duration of rehabilitation.

During the rehabilitation, the sub-committee of Narcotic Addict Rehabilitation shall consider to reduce the duration of rehabilitation which appropriate.

The extension and reduction of duration of rehabilitation may be made in many times, but each extension shall not be longer than six months and the total duration shall not exceeding three years as from the date of transferring the person to commit for rehabilitation.

Section 26 In the case where there is a reasonable ground, the sub-committee of Narcotic Addict Rehabilitation may consider the provision release to the person committed for identification or person committed for rehabilitation in accordance with the rules, procedures and conditions prescribed by Committee.

Section 27 In the case where the alleged offender have the domicile which not facilitate to admit for rehabilitation in the rehabilitation centre, the locality of rehabilitation or the detention of such alleged offender. The sub-committee of Narcotic Addict Rehabilitation itself approval or receipt the request from the alleged offender, may issue an order to transfer such alleged offender to admit for the rehabilitation or the detention at other locality, but there shall be appeared that such transference will make more useful for the rehabilitation for such alleged offender.

Section 28 Whereby the person committed for identification or person committed for rehabilitation that was detained likewise the custody, its shall be deemed the person committed therefor, in case depend upon, to be the person in custody under the Penal Code.

In the case where there is an escape from the detention of the rehabilitation centre, the locality of the identification, the rehabilitation or the detention of such person. The duration which he has been committed under the identification or the rehabilitation to the escaped date shall not included in the period of custody.

Section 29 During the identification or the rehabilitation, if any person committed for identification or rehabilitation escaped from the detention or escaped to outside the area of the rehabilitation centre, the locality of the identification, the rehabilitation or the detention of such person, its shall be deemed such person escape the custody under the Penal Code and the competent official shall inform the inquiry official to acknowledge immediately. In this case the competent official shall have the power to pursue and arrest such person.

The provision of the paragraph one which in the respect of the offence and punishment under the section 190 of the Penal Code shall not apply to forced with the person not yet completed eighteen years old of age, all this is due to the section 32 paragraph two shall apply *mutatis mutandis*.

In the commission under the paragraph one, the sub-committee of Narcotic Addict Rehabilitation shall have the power to settle accordance with rules, procedures and conditions prescribed by the Committee.

Section 30 A person committed for identification or a person committed for rehabilitation shall conduct in restriction according to the rules and other conditions prescribed by the Committee and the sub-committee of Narcotic Addict Rehabilitation, including the regulations of the rehabilitation centre, the locality of the identification, rehabilitation or the detention of such person.

Section 31 In the case where the person committed for identification or the person committed for rehabilitation which have provision released does not conducted or violated the rules, conditions or regulations that prescribed. The competent official, without warrant, shall arrest such person back to the rehabilitation centre, the locality of the identification, rehabilitation or the detention.

Section 32 Any person committed for identification or a person committed for rehabilitation violate the section 30, the Director of Rehabilitation Centre or the supervisor of the locality where accept such person shall have the power to inflict upon him any one or more of punishments as the following:

- (1) probation;
- (2) suspension of permission of being visited or communicated for not longer than three months;
- (3) solitary confinement not exceeding fifteen days for each confinement. In the case where necessary to inflict the punishment to person under paragraph one, who has not yet completed eighteen years old of age, shall apply the measures of punishment under the law on the establishment of the youth and family court and procedure *mutatis mutandis*.

Section 33 When the sub-committee of Narcotic Addict Rehabilitation decided that any person committed for rehabilitation has finished all due to the rehabilitation that in specific require of the rehabilitation plan and the result of the rehabilitation is satisfactory. Its shall be deemed such person relieved from the alleged offence under section 19 and the sub-committee of Narcotic Addict Rehabilitation shall issue the order to release such person at liberty, then inform the result to the inquiry official or the prosecutor who still the proceeding to acknowledge, in case depend upon. In the case where any person committed for rehabilitation, in spite of finished all duration under section 25, but the result of the rehabilitation is not satisfactory. The sub-committee of Narcotic Addict Rehabilitation shall report together with the opinion to the inquiry official or the prosecutor, in case depend upon, to supplement the consideration for continue the proceeding of such person and the section 22 paragraph four shall apply *mutatis mutandis*.

Section 34 In the trial and judgement to the alleged offender who has committed for rehabilitation under section 33 paragraph two, the court may inflict less punishment to any extent

than that provided by the law for such offence or may not inflict, all this is due in respect of the duration that such person has been committed under the rehabilitation.

Section 35 In the execution for this Act, the Committee, the sub-committee and the competent official under this Act shall be the administrative official or police officer under the Criminal Procedure Code and shall be an official under the Penal Code.

CHAPTER 4 **Competent Officials**

Section 36 In the performance of duties, a competent official has the following powers:

(1) to enter any dwelling place, premises or conveyance in order to search and arrest the person committed for rehabilitation who violated section 29 or section 31, where there is a reasonable ground to suspect that such person is hidden and together with a reasonable ground to believe that the delayed longer time than to take search warrant, such person would escape;

(2) to issue a letter of inquiry to or summon any person who related to the person committed for identification or the person committed for rehabilitation to give statements, to submit a letter explanation or to submit documents or any evidence for examination to constitute the consideration in the performance under section 17;

(3) to testify the person committed for identification, the person committed for rehabilitation or any other person where capability to give the fact relating to the case that prescribed under section 17;

(4) to issue an order or provide to the person committed for identification or the person committed for rehabilitation to has examined or tested whether has the narcotic internal body or not;

A competent official of any position and at any level who is to have all or part of such powers as referred to in paragraph one or would have approved by any person before performance shall prescribed by Committee that appear in the identification card of competent official who is such entrusted.

In the performance of duties of competent official under paragraph one, the person who concerned shall facilitate as appropriate.

Section 37 In the performance of duties, the competent official shall produce the identification card of authorization to the person concerned each time. Identification card of competent official shall be in form prescribed by the Committee which notify in Government Gazette.

CHAPTER 5 **Appeal**

Section 38 In the case where the sub-committee of Narcotic Addict Rehabilitation have decision under section 22 that the person committed for identification is consumed or addicted or issue the order not granted the provision release to the person committed for identification or the person committed for rehabilitation under section 26 or issue the order to extension the duration of rehabilitation under section 25, such person shall have the right to appeal such decision to the Committee within fourteen days from the date that acknowledge the decision or order, in case depend upon.

The appeal under the paragraph one shall not be the cause to delay the performance under the decision of the sub-committee of Narcotic Addict Rehabilitation.

The decision of the Committee is final.

Section 39 Rules and procedures to submit appeal and appeal proceeding shall be prescribed by Ministerial Regulation.

Section 40 In the trial of appeal, the Committee shall have the following powers:

(1) to inform the appellant to give the summon or to submit material, document or any evidence concerned to supplementing the consideration;

(2) to issue a letter of summon person concerned to give testify or submit the material, document or evidence to supplement the consideration.

In the case where the appellant not come to give testify or submit the material, document or evidence according to the Committee order under (1) whereby does not informed the necessary cause in the written letter to the Committee within three days from the day accept the Committee order, shall be deemed that appellant not willing to come to give more testify or submit material, document or evidence and the Committee shall continue to consider the appeal as it is appropriate.

The letter of summon to give testify or submit the material, document or evidence under (2) shall specific as that to come to give testify or submit the material or evidence in any matters.

CHAPTER 6

Penalties

Section 41 Any person who brought any fact or document of evidence which is a personal information derived in the execution for this Act, disclosure to other person shall be liable to imprisonment for a term not exceeding five years or to a fine of not exceeding one hundred thousand Baht or both, except the disclosure in the performance of duties, inquiry or court trial or permitted by the Committee or the sub-committee of Narcotic Addict Rehabilitation.

Any person who derived or acknowledged any fact from a person under paragraph one then disclosure such fact shall be liable likewise, except in case where it may disclosure under paragraph one.

Section 42 Any person who refuses to conduct accordance with letter of competent official under section 36 (2) or refuses to facilitate to competent official under section 36 paragraph three or refuses to conduct accordance with letter of summon of the Committee under section 40 shall be liable to imprisonment for the term not exceeding six months or to a fine of not exceeding ten thousand Baht or both.

Section 43 Offences under section 42, the Committee shall have the power to settle and in this case the Committee shall have the power to entrust the sub-committee of Narcotic Addict Rehabilitation or competent official to conduct with the settlement according to the rule or condition prescribed by the Committee.

When the offender paid the fine under of settlement, it shall be deemed quittance under the Criminal Procedure Code.

If the offender refuses to consent according to the settlement or when consented then after refuses to paid the fine within the required period, it shall continue the proceeding.

Countersigned by
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